

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17006 of 2019

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Shatrundam Shahi, Aged about 56 years, Male, S/o Late Ranvijay Shahi,
Resident of Village and P.O. Dumariya, P.S. Shikarpur, District West
Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Revenue and Land Reforms
Department, Bihar
2. The Commissioner, Tirhut Division, Muzaffarpur
3. The Collector, West Champaran, Bettiah

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr. Y.V. Giri, Senior Advocate
For the Respondents	:	Mr. Sajid Salim Khan, S.C. 25

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 20-08-2019 Heard Mr. Y.V. Giri, the learned Senior counsel

appearing on behalf of the petitioner and the learned counsel for

the State.

Learned Senior counsel for the petitioner submits that

against the order passed in Land Ceiling Case No.60/1973-74,
the petitioner filed Land Ceiling Appeal Case No.30 of 2019,
which is pending before the Divisional Commissioner, Tirhut
Division, Muzaffarpur but during the pendency of the appeal,
the Collector issued notification under Section 15(1) of the
Bihar Land Reforms (Fixation of Ceiling Area and Acquisition
of surplus Land) Act, 1961 acquiring the land of the petitioner.

It appears that the State Government or the Collector



of the district specially so empowered in this behalf shall after the statement under sub-section (1) of Section 11 has been finally published and subject to appeal or revision, if any, acquire, the surplus land by publishing in the Official Gazette of the district but it appears that the appeal is still pending and the Collector has issued notification as contained in Annexures 6 and 6A acquiring the land, therefore, the issuance of notification during the pendency of the statutory appeal is illegal.

Taking into consideration the facts, the Commissioner, Tirhut Division, Muzaffarpur is directed to dispose of the appeal of the petitioner within three months from the date of receipt of this order and in the meantime, the notification as contained in Annexures 6 and 6A issued under Section 15(1) of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of surplus Land) Act, 1961 shall remain stayed.

With the aforesaid direction, the writ petition is disposed of.

(Prabhat Kumar Jha, J)

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