

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.4945 of 2018

In
Civil Writ Jurisdiction Case No.12445 of 2018

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Ram Sharan Sah

... .. Petitioner/s

Versus

The State Of Bihar and Ors

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha

For the Opposite Party/s : Mr. Md. Khurshid Alam - AAG 12

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 13-03-2019 Heard both sides.

The petitioner has filed this petition for initiation of contempt proceeding for violating the order dated 11.09.2018 passed in CWJC No. 12445 of 2018 by which the Collector was directed to publish the notification under Section 15(1) of Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 (hereinafter referred to as the Act) so that petitioner may deal with his land allotted to him within the ceiling area but the Collector has not yet issued any notification under Section 15(1) of the Act.

Admittedly, the petitioner is landlord. Land ceiling proceeding was initiated against Late Chhedi Sah, father of the petitioner, vide order dated 20.07.2010 passed by the Additional Collector in Ceiling case No. 12/73-74. Two units were allotted to the legal heirs of Late Chhedi Sah but the lands were classified in class-IV. Accordingly, 60 acres of land were allowed to be retained by the landlord but final notification could not be issued and the Collector was directed to publish



final notification under Section 15(1) of the Act after publication of gazette notification under Section 11(1) of the Act.

Show cause has been filed on behalf of the respondents stating that Additional Collector himself filed appeal against the notification issued under 11(1) of the Act and till the disposal of appeal no final notification under Section 15(1) of the Act can be issued.

The State has got statutory right to appeal against the notification issued under Section 11(1) of the Act and till the disposal of appeal notification under Section 15(1) of the Act cannot be issued.

In this view of the fact, I find that the Collector has not intentionally disobeyed the order of this court. Accordingly, this MJC petition is dismissed with a direction to the Collector, Katihar to dispose of the appeal preferred by the State of Bihar in accordance with law within six months from the date of receipt of this order.

(Prabhat Kumar Jha, J)

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