

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2301 of 2020

=====

Basant Kumar Choudhary, Male, aged about 68 years, S/o Late Hemant Kumar Choudhary, Resident of Village Keota Kothi, P.S. Dalsingsarai, District Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
3. The Collector, Samastipur, District- Samastipur.
4. The Addl. Collector, Samastipur, District- Samastipur.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Shally Kumari
For the Respondent/s : Mr.Raj Kishore Roy (Gp18)

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 05-02-2020 Heard both sides.

The petitioner in this writ petition seeks direction to the Collector, Samastipur to dispose of the petition of the petitioner who filed petition for grant of permission to execute a deed of lease with regard to the land of New Plot No.1031, Old Plots No.1098, 1096, 1097, Khata No.616, Area 10 Katha for installation of petroleum outlet which was allotted in favour of one Arun Prakash.

It is admitted fact that a Land Ceiling Case No.40/1973-74 was initiated and two units were granted to the ancestor of the petitioner. Against allotment of only two units, the appeal was filed which is pending before the Collector, Samastipur. During pendency of the ceiling appeal, the petitioner filed petition for



grant of permission. Under Section 5(2) of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961, the Collector is vested with the power to grant permission.

It is submitted that the petitioner has already stated in the petition that the petitioner would take the land in his own unit with regard to which he is intending to execute a deed of agreement to lease for opening a petroleum outlet but the petition filed by the petitioner is pending and on account of such, if permission is not granted, the allotment of petroleum outlet given to Arun Prakash can be cancelled.

Having considered the facts, I direct the Collector, Samastipur to pass order in accordance with law within two weeks from the date of receipt of this order on the petition for grant of permission for executing a deed of lease with regard to New Plot No.1031, Old Plots No.1098, 1096, 1097, Khata No.616.

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

(Prabhat Kumar Jha, J)

S.KUMAR/-

U			
---	--	--	--

