

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1540 of 2021

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Bidhan Chandra, Son of Arjun Prasad Rai, Resident of Ward No. 12, P.O.-
Mukhtarpur Salakhani, P.S.-Dalsinghsarai, District-Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Vikas Bhawan, New Secretariat, Patna.
3. The District Magistrate, Samatipur, District-Samastipur.
4. The Additional District Magistrate, Samatipur, District-Samastipur.
5. The DCLR, Samastipur, District-Samatipur, District-Samastipur.
6. The Circle Officer, Vidyapatnagar, Samatipur, District-Samastipur.
7. The District Sub Registrar, Department of Registration, Samastipur Registration Office, District-Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Brisketu Sharan Pandey, Advocate
For the Respondent/s	:	Mr.Lalit Kishore, A.G.
		Mr. Pawan Kumar, AC to A.G.

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 03-03-2021

Petitioner has prayed for the following relief(s):-

“For direction upon the Respondents No. 3 to 7 for restraining further sale and Registration of Sale Deed in relation to the plots of land notified under the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act 1961 for which Land Ceiling Case No. 40/1973-74 is already pending and the respondent No. 3 is the custodian of



the aforesaid land until its conclusion.

Further the Hon'ble Court may be pleased to direct the respondents Nos. 3 to 7 to look into the interest of the landless persons, (who were to be allotted land after ceiling proceedings) and to take appropriate corrective steps for nullification of the sale deed in terms of the enquiry report dated 04.09.2020 submitted by the Circle Officer, Vidyapathi Nagar, confirming Registration of the plots of land which are notified under the Ceiling process and recommendation for cancellation of sale deed has been made in the aforesaid report.

Further directing the respondent to take appropriate action against the concerned and responsible employees of the District Registration Office, Samastipur who in collusion of the land owners have permitted the Registration of plots of land which which are notified under the (Bihar Land Reforms Fixation of Ceiling Area and Acquisition of Surplus Land) Act 1961 for which land Ceiling Case No. 40/1973-74 is already pending.

For holding that the act and conduct Respondents No. 3 and 7 in allowing sale and Registration of Sale Deed in relation to the plots of land notified under the (Bihar Land Reforms Fixation of Ceiling Area and Acquisition of Surplus Land) Act 1961, for which Land Ceiling Case No. 40/1973-74 is already pending is against the interest of large number of landless people who were to be distributed/allowed land from the declared surplus land in the aforesaid ceiling case pending before the respondent No. 3.

For any other relief or relief as deem fit and



proper.”

Learned counsel for the State opposes the petition stating that the petition is misconceived; raises disputed question of fact; is not in public interest; and that the issue can be best resolved at the Government level by the appropriate authorities.

After the matter was heard for some time, learned counsel for the petitioner submits that petitioner shall be content if a direction is issued to the concerned respondent(s) to consider and decide the representation (Annexure-P/13 of the writ petition) for redressal of the grievance(s).

Learned counsel for the respondents states that the authority concerned shall consider and decide the representation expeditiously and preferably within a period of three months from the date of approaching the petitioner along with a copy of this order.

Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law.

We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in



accordance with law and with reasonable dispatch.

Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties.

Liberty reserved to the petitioner to approach the Court, if the need so arises subsequently on the same and subsequent cause of action.

We have not expressed any opinion on merits. All issues are left open.

The proceedings, during the time of current Pandemic- Covid-19 shall be conducted through digital mode, unless the parties otherwise mutually agree to meet in person i.e. physical mode.

The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, also stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

sujit/-

AFR/NAFR	
CAV DATE	
Uploading Date	04.03.2021
Transmission Date	

