

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6380 of 2018

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Raj Kumar @ Raj Kumar Mandal Son of Late Adhi Mandal, Resident of
Village-Madhwa, Raunakabad, P.O. P.S.-Ramankabad, Distt.-Munger.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Collector of the District, Munger
3. Deputy Collector Land Reform, Munger.
4. Anchal Adhikari Haveli Kharagpur, Munger.
5. Sarad Kumar Singhanian, Son of Late Raj Kumar Singhanian
6. Ajay Kumar Singhanian
7. Shiva Kumar Singhanian Both Sons of Late Babulal Singhanian All Resident
of Mohalla-Sujaganj, P.S.-Kotwali, Distt.-Bhagalpur at Present of 119/E
Cerny Street, 1st Floor, Kolkata-5.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kumar Malendu, Advocate
For the Respondent/s : Mr. Rishi Raj Sinha, SC-19

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 25-04-2023 Heard learned counsel for the parties.

The petitioner has filed the instant application for the
following relief(s):-

*“ i. For initiating the proceeding u/s 48D of the Bihar
Tenancy Act (in short B.T. Act) for which petitioner has
already filed an application on 20.9.16 (Anx-5) on
proper format.*

*ii. For directing the state respondents especially
respondent no.4 to dispose of the application (Anx-5)
in accordance with law which is pending before him
since long under section 48 D of the B.T. Act, within
framed time as the petitioner fulfill all the prescribed
criteria u/s 48 C and u/s 48 D of the Act.*



iii. For directing the respondents to open of Zamabandi in the name of the petitioner after granting 48 D status of raiyat and accordingly grant rent receipt in their favour according to the provision of the B.T. Act after holding the petitioner as occupancy raiyat as provided under section 48D of the Bihar Tenancy Act.

iv. Directing the respondents to grant/hold the status of raiyat to the petitioner as provided u/s 48 D of the B.T. Act.

v. Any other relief and reliefs which the petitioner may be found entitled to.”

The petitioner by filing the instant application prays for disposal of his application under section 48D of the B.T. Act pending before the Circle Officer, Haveli Kharagpur, Munger (respondent no.4).

Learned counsel for the petitioner submits that inspite of his application under section 48D pending before the Circle Officer concerned since 20.9.2016, the same has not been disposed of by the respondent authorities thus compelling the petitioner to file the instant writ application for the prayer made as stated herein above.

In response, it is submitted by learned counsel appearing for the State that as per instructions received, neither the petitioner has filed any application as stated in the writ petition nor is there any application pending before the Circle



Officer.

Having heard learned counsel for the parties and taking into consideration the averments made in the writ application and submissions made by learned counsel appearing for the parties, this writ application is disposed of with the following directions:-

I. The petitioner will file an application under section 48D of the B.T. Act before the Circle Officer, Haveli Kharagpur, Munger (respondent no.4) within a period of two months.

II. On filing of the above application, the Circle Officer, Haveli Kharagpur, Munger (respondent no.4) shall proceed in accordance with law and dispose of the said application of the petitioner at the earliest preferably within a period of four months from the date of its filing.

The writ application stands disposed of with the above observations and directions.

(Partha Sarthy, J)

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