

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6430 of 2018

1. Vijay Thakur
2. Sanjay Thakur, Both sons of Late Chhotan Thakur, resident of Village-Khajecchak, P.O. P.S.- Haveli Kharagpur, District- 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 Singhania, son of Late Raj Kumar Singhania.
6. Ajay Kujmar Singhania
7. Shiva Kumar Singhania Both sons of Late Babulal Singhania, All residents of Mohalla- Sujaganj, P.S.- Kotwali, District- Bhagalpur at present of 119/E Cerny Street, 1st Floor, Kolkata-5.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Kumar Malendu, Advocate
For the Respondent/s	:	Mr. Md.Khurshid Alam -AAG12

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 10-05-2023 Heard learned counsel for the petitioners and learned counsel for the respondents.

The petitioners have filed the instant application for the following reliefs:

- “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-4) on proper format.
- ii. For directing the state respondents especially respondent no.4 to dispose of the application (Anx-4) 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 petitioners 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 petitioners, 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 petitioners 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”

It is the case of the petitioners that inspite of the application of the petitioners under section 48E of the B.T. Act pending before the Circle Officer for the last almost 8 years, the same has not been disposed of forcing the petitioners to approach this Court for the relief prayed hereinabove.

Learned counsel for the respondents referring to the counter affidavit of respondent nos. 2, 3 and 4 filed in the instant application submits that no application of the petitioners under section 48D is pending before the Circle Officer.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, it is directed that the petitioners may file fresh application



under section 48D of the B.T.Act before the Circle Officer,
Haveli, Kharagpur, Munger (respondent no.4).

In case such an application is filed within a period of
two months from today, the respondent no.4 shall proceed in
accordance with law after hearing all the necessary parties and
pass order disposing of the application at the earliest preferably
within a period of four months.

This application stands disposed of.

(Partha Sarthy, J)

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