

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13746 of 2015

1. Chitranjan Mukherjee and Anr Son of Late Sidheshwar Mukherjee, Resident of House No. 32, Rashtruguru Avenue Kolkatta West Bengal, -700028.
2. Swastika Banarjee Wife of Late Sunil Banarjee, Daughter of Sidheshwar Mukherjee, Resident of House No. 25A, Rajendra Leela Street Kolkata West Bengal. Both through teh General Power of Attorney holder namely Sri Sujan Kumar RoyBurman, Son of Late Phruba Prasad Roy Burman, Resident of 9/3 Hem Dey Lane, P.O. P.S.- Sinthi, Kolkata-700050 State of West Bengal.

... .. Petitioners

Versus

1. The State of Bihar through Principal Secretary, Land Reforms and Revenue Department, Government of Bihar, Patna.
2. The Collector East Champaran at Motihari.
3. The Additional Collector.

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Karandeep Kumar, Advocate
For the Respondent/s : Mr. Rakesh Kumar Ranjan, AC to GA-5

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 02-11-2023 Heard learned counsel for the parties.

2. This writ application has been filed for commanding the respondent No. 2 to dispose of the Ceiling Appeal No. RA 18/1994-95 preferred against the order dated 09.07.1994 passed in connection with Land Ceiling Case No. 04/85-86 by the Court of Additional Collector, East Champaran at Motihari which is pending since the year 1994 as also to command the respondents to make suitable compensation after its adjudication with regard to the surplus land having an area of 1503.32 acre which was taken by the respondent.

3. By way of filing counter affidavit, learned counsel for respondent Nos. 2 and 3 submits that from the case record of



Ceiling Appeal No.-R.A. 18/1994-95 it transpires that the appeal was heard and put up for order *vide* order dated 03.01.2012 but due to transfer of the Presiding Officer of the Court (Collector of the District), the order could not be passed. The office was directed to put up the case before the successor-in-office. As such, the case was put up for hearing. The petitioners left the *pairvi* in the case after 03.01.2012. From the record/order sheet of case/appeal it transpires that several opportunities were granted to the petitioners to pursue their case but they failed to do so. Next date in the case, for hearing, is fixed on 14.11.2023. Thus, it is apparent that the petitioners themselves have prolonged the disposal of the appeal.

4. Considering the facts and circumstances of the case, this writ application is disposed of with direction to the Collector, East Champaran at Motihari (Respondent No. 2) to dispose of the case bearing Ceiling Appeal No.-R.A. 18/1994-95 by a reasoned order after hearing the parties in accordance with law, preferably, within a period of six months from the date of production/receipt of copy of this order.

(Prabhat Kumar Singh, J)

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