

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11687 of 2024

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Deo Narayan Mandal Son of Late Kaiulu Mandal, Resident of Village-
Kabaiya, Police Station- Hasanganj, District- Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Revenue and Land Reform, Patna.
2. Collector Purnea, Purnea.
3. Additional Collector, Purnea.
4. Sub-Divisional Officer, Purnea.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Yogendra Mishra, Advocate Mr. Swati Mishra, Advocate
For the Respondent/s	:	Mr. Prabhakar Thakur, AC to GA-13

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 06-08-2024 Heard learned Advocate for the petitioner and the
learned Advocate for the State.

2. The petitioner by invoking the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India seeking a direction to the respondent Nos. 2 to 4 to issue Parcha in favour of the petitioner with respect to the Sikmi land bearing Survey Plot No.748 and 750 having an area of 1.46 acres of land in terms of Section 22 of the Bihar Land Reforms (Fixation of Ceiling Area and acquisition of Surplus land) Act, 1961.

3. Learned Advocate for the petitioner contended that the petitioner had been Sikmidar with respect to the plot in



question under the erstwhile Chandan Estate, which had realized rent against the receipts. After vesting of the Chandan Estate in the State of Bihar, a revisional survey was pressed into operation and the authorities prepared Khatian in favour of petitioner's father Kailu Mandal declaring him as Sikmi Dakhalkar. In support of the aforesaid contention a copy of the revisional survey khatian is brought on record by way of Annexure-P/2.

4. It is next contended that a proceeding under the Ceiling Act, 1961 was initiated against the land holder Smt. Dayrani Bhagtain who voluntarily surrendered about 105 acres of land including the petitioner's land in terms of Section 15 A of the Ceiling Act, 1961. The respondent No.2 accepted the surrendered land and declared the same as surplus land. In this regard, a Gazette notification was also published on 05.06.1976. The petitioner being Sikmi dakhalkar coming in possession since before the vesting of Zamindari made an application in terms of Section 22 of the Ceiling Act, 1961 but no action was taken. The petitioner also represented before the respondent No.2, the copy of which is marked at Annexure-P/4 to this application, but to no avail.

5. Learned Advocate for the State submitted that the



application under Section 22 of the Ceiling Act, 1961 was required to be filed within a prescribed period, however, the same has not been done.

6. Be that as it may considering the fact that till date after the Gazette notification no action has been taken at the level of the Collector, Purnea and there is a representation filed on behalf of the petitioner. The copy of which is marked as Annexure-P/4 with an endorsement of receipt by the office of the Collectorate. Let the aforementioned representation be considered by the respondent No.2 and disposed of the same by a reasoned and speaking order preferably within a period of 8 weeks from the date of receipt/production of a copy of this order.

7. The writ petition stands disposed off.

(Harish Kumar, J)

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