IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(C) No. 1094 of 2021

Saraswati Devi, aged about 40 years, w/o Premchand Mahto, resident of village Jaridih Basti, P.O. Jaridih Bazar, P.S. Gandhinagar, District Bokaro Jharkhand **… … Petitioner**

Versus

1.The State of Jharkhand
2. The Deputy Commissioner, Bokaro, P.O. & P.S. Bokaro, District Bokaro
3. The Sub Divisional Officer, Bermo (Tenughat), P.O. & P.S. Bermo (Tenughat), District Bokaro
4. The Collector cum District Magistrate, Bokaro, P.O. & P.S. Bokaro, District Bokaro
5.The Additional Collector, Bokaro, P.O. & P.S. Bokaro, District Bokaro
6. The Deputy Collector Land Reform, Bermo (Tenughat), P.O. & P.S. Bermo, District Bokaro,
7. The Circle Officer, Bermo, P.O. & P.S. Bermo, District Bokaro,
8. The Range Officer, Bermo, Bokaro, P.O. & P.S. Bermo, District Bokaro **… … Respondents**

CORAM :HON'BLE MRS. JUSTICE ANUBHA RAWAT CHOUDHARY

For the Petitioner : Mr. Abhishek Sriwastava, Advocate
For the Respondents : Mr. Shubham Gautam, AC to AAG-V

09/05.12.2024 Heard the learned counsels appearing on behalf of the parties.

2. This writ petition has been filed for the following reliefs:

"That the instant writ petition has been filed by the petitioner for a direction upon the respondents to pass necessary orders for declaring the land of the petitioner under Khata No. 132, Plot No. 221 having an area of 8.40 acres situated at mauza Bermo as raiyati land after closing the case running in the court of learned Collector cum District Magistrate, Bokaro (Tenughat), under section 4(h) of BLR Act 1950 (Annexure-3) treating the same as forest land on the recommendation of the Circle Officer, Bermo, on 16.3.2016 (Annexure-1 & 2) whereby & whereunder out of total 10.40 acres of land from khata no. 132, plot no. 221, 2.00 acres has been declared as raiyati land of petitioner and the rest of 8.40 acres of land has been declared as forest land.

And

Further for a direction upon the respondent no. 6 to close the case registered u/s 4(h) of BLR Act, 1950 against the petitioner in light of order dtd 15.3.2019 (Annexure - 7) duly

passed by the court of Collector cum District Magistrate, Bokaro whereby the case registered u/s 4(h) of BLR Act, 1950 against one similarly situated person whose land is situated in the same khata no. 132 and plot no. 221 of mauza Bermo where the land of petitioner is situated."

3. Learned counsel for the petitioner submits that the entire property involved in the present case in Khata No. 132, Plot No. 221 having area 10.40 acres belongs to the petitioner and the grievance of the petitioner is that only 2 acres has been declared to be raiyati land by the respondents and rest 8.40 acres has been declared to be forest land. He submits that arising out of such declaration, a proceeding under section 4(h) of Bihar Land Reforms Act, 1950 against the petitioner has already been initiated, but the same is still pending and consequently, a prayer has also been made to close the case registered under section 4(h) of Bihar Land Reforms Act, 1950.

4. The learned counsel submits that with respect to the same Khata and Plot proceeding under section 4(h) of Bihar Land Reforms Act was initiated though the same was in connection with another person and the 4(h) proceeding has been decided in favour of the concerned person. He has referred the order contained in Annexure- 7 to the writ petition.

5. Learned counsel appearing on behalf of the respondents, while opposing the prayer, has submitted that if the 4(h) proceeding under Bihar Land Reforms Act has not yet been concluded so far, the same can be expedited and the grievance of the petitioner can be taken care of and while passing the order, the petitioner can certainly place other orders in support of her case.

6. Considering the aforesaid submissions, this Court directs the respondent no. 4 to conclude the proceeding under section 4(h) of Bihar Land Reforms Act, 1950 as expeditiously as possible and certainly after granting an opportunity of hearing to the affected/concerned parties. The petitioner is directed to appear before the respondent no. 4 within a period of 15 days along with a copy of the writ records and upon her appearance, the needful be done and appropriate orders be passed.

7. This writ petition is accordingly disposed of.

8. Pending interlocutory application, if any, is closed.

(Anubha Rawat Choudhary, J.)

Pankaj