

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4171 of 2021

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Abu Muaz @ Abu Maz @ Abu Maz Sajdi Son of Sajedul Haque Resident of
Village- Nandania, Anchal- Baisa, P.O.- Mirpur, P.S.- Rauta, District- Purnea
(Bihar)

... .. Petitioner/s

Versus

1. The State of Bihar Through its Principal Secretary, Revenue and Land Reforms, Government of Bihar, Patna
2. The District Magistrate-cum-Collector, Purnea
3. The Sub-Divisional Officer, Baisa, Purnea
4. The Circle Officer, Baisa, Purnea

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nishant Kumar Sinha, Advocate
For the Respondent/s : Mr. Atul Shankar, AC to SC-19

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

5 13-10-2025 The instant writ application has been filed by the

petitioner under Article 226 of the Constitution of India, seeking

the following relief(s):-

“ (i) For a direction to the respondent authority (Respondent No-3) to stay the further proceeding of Bedakahli Bad No-06,07,08,09,10,45 and 46 of 2014-15 which is pending in the court of Sub Divisional Officer, Baisa till the Disposal of Ceiling Misc Case No-06/15 (Abu Muaz v/s The State of Bihar) pending in the court of Collector, Purnea.

(ii) For restraining the respondent from dispossessing the Petitioner till the disposal of the present writ application from the land in question.

(iii) For any other relief/reliefs for



which the petitioner is entitled in facts and circumstances of the case.”

2. Mr. Nishant Kumar Sinha, learned counsel appearing for the petitioner and Mr. Atul Shankar, learned AC to SC-19 for the State-Respondents are present and they are heard.

3. Learned counsel appearing for the petitioner submits that initially, Land Ceiling Case No. 1196/73-74 was initiated in connection with the land in question and the petitioner's land, which was got by him through a gift, was not excluded in that matter considering the petitioner's minority at the time of execution of the gift. Thereafter, the landholder (petitioner), being aggrieved by the order dated 30.06.1983 passed in Land Ceiling Case No. 1196/73-74, preferred appeals bearing Land Ceiling Appeal Case Nos. 12/83-84, 12/84-85, and 64/85-86 before the Collector, Purnea, which were allowed, and it was directed to rectify the Gazette Notification issued under Section 15(1) of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act in respect of the petitioner's gifted property, which was 20 acres, 15 decimals, and 05 karis. It is further submitted that when the order dated 04.07.1988 was not complied with, the petitioner filed a writ



petition bearing CWJC No. 2489 of 1989 seeking a direction to the authority to implement the order dated 04.07.1988 and the same was allowed vide order dated 12.11.1998. But even then, the petitioner's representation for complying with the order dated 04.07.1988 was not heard, therefore, he filed MJC No. 4013 of 2000, which was allowed with certain directions to the petitioner vide order dated 16.10.2003. Though the petitioner did not comply with the specific directions given in the order dated 16.10.2003 within the stipulated period but he was not aware of the same, due to which the said directions were not complied with. However, the petitioner has filed Ceiling Misc. Case No. 06/2015 in the court of Collector, Purnea, (Respondent No.2) which is still pending for its final adjudication.

4. On the other hand, learned counsel appearing for the State-Respondents submits that the petitioner remained careless completely in complying with the order dated 16.10.2003 passed in MJC No. 4013 of 2000, which was preferred by the petitioner himself and after several years, the petitioner filed Ceiling Misc. Case No. 06/2015. Therefore, due to this long delay on the part of the petitioner, he is not entitled to any relief from this Court. It is further submitted that the land in question has been allotted to several landless persons, and for



putting the allottees in possession of their allotted land, *Bedakhali* cases of which details have been given in the petition itself, have been initiated and are still pending. Hence, in view of these allotments, the allottees must also be heard.

5. Considering the fact that Ceiling Misc. Case No. 06/2015 is pending before the Collector, Purnea (Respondent No.2) as well as the long delay on the part of the petitioner in approaching the Collector, Purnea, this Court is not persuaded to invoke its writ jurisdiction for redressing the petitioner's grievance. However, the Collector, Purnea (Respondent No.2) is directed to dispose of the petitioner's Ceiling Misc. Case No. 06/2015 at the earliest, preferably within nine months from the date of receipt or production of a copy of this order, in accordance with the provisions of prevailing law and after giving an opportunity of hearing to all the concerned who are presently interested in the land in question.

6. Accordingly, with the aforesaid directions, the instant writ petition stands disposed of.

(Shailendra Singh, J)

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