
(2010) 07 PAT CK 0190
In the Patna High Court
Case No : CWJC No. 10999 of 2010

Most. Asma Khatoon and Others

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 16-07-2010

Acts Referred:

Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act,
1961 — Section 45B

Citation : (2010) 1 PLJR 1053

Hon'ble Judges : Sheema Ali Khan, J

Bench : Single Bench

Judgement

Sheema Ali Khan, J.—The Petitioners have filed this application praying therein that Misc. Land Ceiling Case No. 25 of 2007 filed by them u/s 45B of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 (hereinafter referred to as the Act) may be disposed of by Respondent No. 2, the Hon''ble Minister, Department of Revenue and Land Reforms, Government of Bihar.

2. The lands in question are situated at Village-Banki, Thana No. 293/2, Police Station, Rupouli within Purnea district Purnea wherein Khata No. 345, Plot No. 1297 (Part) measuring 1 acre, Plot No. 1294 area 0.34 acres and plot no. 1299 measuring 1.1.4 acres.

3. The short facts are that a ceiling proceeding was started against Smt. Uma Devi Respondent No. 6. The case of the Petitioners is that in the ceiling proceeding, the Petitioners were not noticed. The lands of Respondents 7 to 9 i.e. Hari Ballabh Narayan Sinha, Braj Bailabh Narayan Sinha and Raj Ballabh Narayan Singh were clubbed with the lands of Respondent no. 6. The Petitioners are the decree holders and they have acquired title vis-a-vis the aforesaid three persons, i.e. Respondents 7 to 9. Naturally, Respondents 7 to 9 were not interested in pursuing the matter. The result is that the Petitioners claim that the authorities have issued purchase and now there is eminent danger that the authority i.e. the

Collector will dispossess the Petitioners from the lands in question.

4. The Petitioners, on learning of the facts surrounding this case, at once filed an application before the Hon''ble Minister u/s 45B of the Act which is numbered as 25 of 2007. The said application u/s 45B of the Act is pending since three years and now the Petitioners are threatened by the fact that they may be dispossessed.

5. It would be proper that the Hon''ble Minister should dispose of the application as expeditiously as possible considering the fact that the Petitioners would be dispossessed if any further delay is caused. The Petitioners would also have the liberty to file an application before the Hon''ble Minister for stay in the matter which ought to be considered by the Hon''ble Minister in case he is unable to pass a final order within a period of two months from the date of receipt/production of a copy of this order.

6. The status quo with respect to the land will be maintained till the aforesaid period of two months.

7. This application is disposed of with the aforesaid observations.