

(2010) 08 PAT CK 0142
In the Patna High Court
Case No : CWJC No. 13204 of 2010

Rameshwer Ram and Others

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 13-08-2010

Acts Referred:

Citation : (2011) 1 PLJR 10

Hon'ble Judges : Sheema Ali Khan, J

Bench : Single Bench

Judgement

Sheema Ali Khan, J.—The Petitioners have filed this application with a prayer that the Collector should take action u/s 38 of the Land Ceiling Act and acquire the surplus land of the landholder with respect to the ceiling proceeding numbered as 4 /28 of 1973-74.

2. The facts are that the Petitioners are the purcha holders and the surplus land belong to Ayodhya Rai. In the year 1992, during the ceiling proceedings, the purchasers from Ayodhya Rai moved before the Board of Revenue, Bihar making a prayer that they are the purchasers from Ayodhya Rai and the lands which have been purchased by them should be declared to be the lands of Ayodhya Rai and should be exempted from the ceiling proceedings. The prayer of the purchaser was allowed. After the order of the Board of Revenue, the vendors moved the High Court making a prayer therein that the purcha granted in favour of the Petitioners should be cancelled. The prayer was allowed by the Writ Court. The Petitioners filed LPA against the order of the learned Single Judge which was also dismissed. Finally, the purcha holders moved before the Apex Court. The order of the Apex Court is contained in Annexure-5. The Supreme Court held that the Collector should give them an opportunity before passing any order cancelling their purchas. The Collector was to notice to the Petitioners, and it was further ordered that the Collector may consider giving them an alternative land which fall in the surplus land of Ayodhya Rai. The matter is now pending, as the Collector has taken steps to start proceeding u/s 38 of the Act.

3. The limited prayer of the Petitioners is that the Collector should be directed to dispose of the proceedings u/s 38 of the Act expeditiously since the matter is pending before the Collector since the year 2007-08.
4. I, accordingly, direct the Collector, West Champaran to dispose of the R.M. 124 of 2007-08 within a period of six months from" the date of receipt/production of a copy of this order.
5. This application is disposed of with the aforesaid observations and directions.