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**(2006) 11 JH CK 0023**  
**In the Jharkhand High Court**

Triveni Prasad Pandey

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

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**Date of Decision :** 01-11-2006

**Acts Referred:**

Bihar Land Reforms Act, 1950 — Section 4(h)

**Citation :** (2007) 3 JCR 110

**Hon'ble Judges :** Narendra Nath Tiwari, J

**Bench :** Single Bench

**Final Decision :** Allowed

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## Judgement

N.N. Tiwari, J.—The petitioner has sought a direction on the respondent No. 2 to dispose of the proceeding of Case No. 1 of 1982-83 under the purported provision of Section 4(h) of the Bihar Land Reforms Act, 1950 (hereinafter referred to as the said Act). It has been stated that the said proceeding was initiated against the petitioner in the year 1982. The learned Land Reforms Deputy Collector by his order dated 1.7.1988 after thorough inquiry, has found the settlement by the ex-landlord genuine and is not covered by the mischief contemplated u/s 4(h) of the said Act. He has, thus, found the proceeding worth dropping and recommended for the same to the Additional Collector. Since then the respondent No. 4 has been keeping the matter pending. The petitioner made the said grievance before the Commissioner, who, by order dated 22.2.1999, had directed the Additional Collector to dispose of the said proceeding u/s 4(h) as quickly as possible, preferably within a period of three months from the date of the order. It has been stated that despite the said direction of the Commissioner, the proceeding has not been disposed of.

2. A counter affidavit has been filed on behalf of the respondent, stating inter alia, that there was a large scale land scam in respect of Gair Mqjurua Malik land and the matter is still under investigation. The petitioner's case also requires thorough investigation and for that purpose the proceeding was initiated u/s 4(h) of the said Act for annulment of the settlement which requires a logical

conclusion as per law. However, nothing has been said regarding the reason for long pendency and the time, which is likely to be consumed for arriving at the conclusion and disposing of the proceeding.

3. After hearing learned Counsel and considering the stand taken by the respondents as also the materials available on record, I am of the opinion that the proceeding against the petitioner has been kept pending for more than two decades arbitrarily. No reasonable explanation has been given for protracting the said proceeding for unconscionably long period. In the name of such proceeding, the respondents cannot put the raiyat-petitioner to continuous harassment for years and years, that too without any just reason. The respondents have filed a perfunctory counter affidavit giving an essay-type statement, which shows the mala fide, callousness and arbitrariness on the part of the respondents. For the reasons aforesaid, this writ petition is allowed. The respondent No. 2, i.e. Additional Collector, Ranchi is directed to dispose of the said Case No. 1 of 1982-83 within a period of two months from the date of receipt/production of a copy of this order. If the said case is not disposed of by the respondent within the said period, the same shall stand terminated on the lapse of the said period.