

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11361 of 1996

=====

Suresh Prasad Singh, Son of Amarnath Singh, Resident of Village- Bishunpura,
P.S.- Bihta, District- Patna.

.... Petitioner.

Versus

1. The State of Bihar
2. The Additional Collector, Patna.
3. The Deputy Collector, Land Reforms, Danapur, Patna.
4. The Anchal Adhikari, Bihta, P.S.- Bihta, District- Patna.
5. Devanand Singh, son of Devendra Singh (dead), Resident of Village-
Bishunpura, P.O.- Bishunpura, P.S.- Bihta, District- Patna.

.... Respondents.

=====

Appearance :

For the Petitioner/s : Mr. Brij Mohan Kumar Singh, Advocate

For the Respondent/s : Mr. Nivedita Nirvikar, GA-10
Mr. Manoj Kumar, AC to GA-10.

=====

CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH

ORAL JUDGMENT

Date: 30-04-2015

The petitioner is aggrieved by order dated 27.01.1994, passed by the Additional Collector, Patna (respondent no.2) in Revenue Misc. Appeal No. 14 of 1992-93 and the order dated 29.07.1992, passed in Case No. 140 of 1990-91 by the Deputy Collector Land Reforms, Patna (respondent no.3).

The petitioner's case is that the land in question was purchased in the year 1939 from one Syed Md. Hashim, who in turn, had got the settlement from the Ex-landlord Parmanand Giri. The land belonging to village Bishambharpur Gorkhari, bearing khata no. 278, plot no. 724 measuring 0.11 decimals.

Learned counsel for the petitioner submits that the aforesaid



0.11 decimals of land, a Parcha was wrongly issued by the Anchala Adhikari in favour of one Dular Sao. The aforesaid Dular Sao in turn transferred the land to respondent no.5 Devanand Singh. The petitioner in support of his submission has relied upon the order of the Anchal Adhikari contained in Annexure-2 to this petition. Learned counsel submits that in fact Dular Sao had relinquished his interest on the land and subsequently died also. The petitioner thereafter filed Mutation petition bearing case No. 140 of 1990-91 before the Anchal Adhikari, who placed the matter before the Dy. Collector Land Reforms, Danapur, which was rejected by order dated 29.07.1992. Being aggrieved, an appeal was filed by the petitioner bearing Appeal No. 14 of 1992-93, which was rejected by the Additional Collector by order dated 27.01.1994 affirming the order of the Deputy Collector Land Reforms, Danapur, Patna.

He submits that a holder of Baskit Parcha cannot transfer the land in favour of another person. He next submits that as Dular Sao has died without any issue, the land would be transferred to any one.

Having regard to the facts and circumstances of the case, I remit the matter to Additional Collector, Patna for fresh adjudication of the matter. The petitioner would be required to file a fresh application giving the details of the case with appropriate annexures.

The case would be decided after hearing all concerned.

With the aforesaid observation, this application stands disposed of.

(Samarendra Pratap Singh, J.)

Uday/-

U			
---	--	--	--

