

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2032 of 1996

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Bhola Lal Mahanth, son of Ram Prasad Lal, Resident of village- Puraini, Police Station- Chausa, District-Madhepura

.... Petitioner/s

Versus

1. The State of Bihar
2. Collector of Madhepura district-Madhepura
3. Anchal Adhikari (Collector under Bihar Privileged Homestead Tenancy Act) at Chausa, District-Madhepura
4. Uma Shankar Sahni, son of late Yogeshwar Sahni, of village- Puraini, Police Station- Chausa, District-Madhepura

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Banwari Sharma,
 Mr. Arvind Kumar (2)
 Mr. Mangal Lok Prabha
 Mr. S.N.Sharma

For the Resp.1,3 & 3 : Mrs. Nivedita Nirvikar, GA-10
 Mr. Manoj Kumar, AC to GA-10

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA

ORAL JUDGMENT

Date: 25-06-2015

Heard learned counsel for the petitioner and learned counsel for the State. No one appears for respondent no.4.

The petitioner seeks quashing of the order dated 22.01.1996 passed in Basgit Purcha Revision Case No. 18/1994-95 by the Collector, Madhepura by which he has set aside the Basgit Purcha issued by the Collector under the Act, i.e., Anchal Adhikari, Chausa in case No. 3 of 1986-87 on 29.5.1985 with respect to Khata No. 635, Plot No. 975, area 0.06 decimals situated in village Puraini and for consequential reliefs.

From perusal of the materials available on the



record it is evident that the Basgit Purcha was issued by the Circle Officer after obtaining a report from the Halka Karamchari and the Circle Inspector who recommended for issuance of the Basgit Purcha. From perusal of the materials on the record it is also evident that mandatory provisions of Rule 5(2) of the Rules was not followed while making enquiry and no notice was issued to the persons interested in the land and accordingly on the revision being filed by the respondent no.4, the Collector has set aside the order issuing Basgit Pucha and remanded the matter to the Circle Officer, Chausa to dispose of the matter in accordance with law.

Learned counsel for the petitioner is unable to show any infirmity in the order of the Collector or as to how the order issuing Basgit Purcha could have been passed without complying with the mandatory provisions of Rule 5(2) of the Bihar Privileged Persons Homestead Tenancy Rules, 1948.

The writ application is, accordingly, dismissed.

(Ramesh Kumar Datta, J)

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