

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4311 of 2009

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Anzar Ahmad Nazar, son of Late Abdul Gani resident of village Gulgarbarg, Karihara, Post Karihara, P.S. Ujiyarpur, District Samastipur
..... Petitioner/s

Versus

1. The State of Bihar through District Magistrate, Samastipur
 2. Collector, Samastipur
 3. the Circle Officer, Ujiyarpur, Block Ujiyarpur, District Samastipur
 4. Kapildeo Das @ Kapil Deo, son of Late Ram Roop Das, a resident of village Chanchour Mathura Tola, Shivnagar, P.S. Ujiyarpur, district Samastipur
 5. Suresh Das , son of Basudeo Das
 6. Sahdeo Das son of Late Ramrup Das
- 5 to 6 are resident of village Chanchour Mathropur, tola Shivnagar, P.S. Ujiarpur, District Samastipur

..... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Choudhary Shyam Nandan

For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

5 19-05-2015 Heard Sri Choudhary Shyam Nandan, learned counsel
for the petitioner and learned AC to SC No. 26.

The petitioner, invoking writ jurisdiction of this court under Article 226 of the Constitution of India, has prayed for quashing of Basgit Parcha issued in favour of the private respondents under the provisions of Bihar Privileged Persons Homestead Tenancy Act, 1947 (hereinafter referred to as the “Act”).

The court is of the opinion that since there is statutory remedy available in the Act itself to the petitioner, the petitioner if so advised, may avail the remedy mentioned in the Act.

The petition stands disposed of.

It is made clear that period consumed by the petitioner in pursuing the present writ petition i.e. from 7.4.2009 till date, shall be excluded while considering the limitation matter.

It goes without saying that if petition under Section 21 of the Act is pending, the learned Collector may examine the same and pass appropriate order in accordance with law.

(Rakesh Kumar, J)

Praful/-

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