

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.209 of 2009

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1. Rajendra Mandal
 2. Binod Mandal,

Both are sons of Sri Maheshwar Mandal, resident of village- Baigna, P.S.
K.Nagar (Maranga O.P.), District- Purnea Petitioners

Versus

1. The State of Bihar
 2. The District Magistrate-cum- Collector, Purnea, District-Purnea
 3. The Circle Officer-cum-.Anchaladhikari, K.Nagar, District- Purnea
 4. Upendra Bhagat, son of Late Yamuna Prasad Bhagat, resident of village-
Baigna, P.S. K.Nagar (Maranga O.P.), district- Purnea Respondents
- =====

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra

For the Respondent/s : Mr. Jagdish Prasad Bhagat

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL JUDGMENT

Date: 07-05-2015

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Heard Sri Sharda Nand Mishra, learned counsel for the petitioner and Sri Jagdish Prasad Bhagat, learned counsel, who appears on behalf of Respondent no.4.

2. Two petitioners, invoking writ jurisdiction of this Court under Article 226 of the Constitution of India, have prayed for quashing of an order dated 18.05.2008 passed by the learned Collector, Purnea in Homestead Tenancy Case no.164/2004. By the said order, the learned Collector has set aside the order passed by the Circle Officer in Homestead Tenancy Case no.69/2004-05 and directed the Circle Officer to cancel the parcha, which was earlier issued in favour of petitioners.



3. Learned counsel for the petitioners submits that petitioners are privileged persons and since they were residing over the land in question for quite a long, they filed application for issuance of Baskit Parcha and after investigation the Circle Officer issued Baskit Parcha in favour of petitioners. However, private Respondent no.4 filed an application before the Collector under Section 21 of the Bihar Privileged Persons Homestead Tenancy Act 1947 and the learned Collector without any basis has interfered with the order of the Circle Officer and directed for cancelling the same, which was earlier issued in favour of the petitioners.

4. Besides hearing learned counsel for the parties I have perused the materials available on record and also the impugned order. On going through the materials on record, it appears that for the same land earlier petitioners had filed a case vide Baskit Parcha Case no.35/2000-01. However, on enquiry it was found that there were no house over the land in question and, thereafter, in said case, no order was passed for issuance of Baskit Parcha. Subsequently in respect of the same land. learned Circle Officer entertained the petition of the petitioners and passed order for issuance of Baskit Parcha in favour of the petitioner. The order indicates that over the land in question, there was no house of the petitioner. Moreover, once the Circle Office himself had rejected the claim of the petitioner, at subsequent stage

same authority was not having any jurisdiction to review its own order. On going through the materials I do not find any defect in the order of the learned Collector.

5. The writ petition stands dismissed.

(Rakesh Kumar, J)

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