

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4649 of 2016

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Prem Lal Sah, son of Late Thithar Sah, resident of Village- Ladugarh, P.S.-
Jankinagar, District- Purnea.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Collector, District- Purnea.
3. The Deputy Collector, District- Purnea.
4. The Anchaladhikari, Anchal- Banmankhi, District- Purnea.
5. Ahilya Devi, wife of Om Prakash Sah, resident of Village- Ladugarh,
Hatia Tola, P.S.- Jankinagar, District- Purnea.
6. Anandi Sah, son of Chamak Lal Sah, resident of Village- Ladugarh, P.S.-
Jankinagar, District- Purnea.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Tuhin Shankar
For the Respondent nos.1to4 : Mr. Arun Kumar, AC to GP-1

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 15-11-2016 Heard the learned counsel for the petitioner and the
learned State counsel appearing on behalf of the respondent nos.1
to 4.

The grievance of the writ petitioner is that, though
the claim raised on behalf of the respondent no.5 for grant of
homestead parcha under the provisions of The Bihar Privileged
Persons Homestead Tenancy Act, 1947 (in short 'Act, 1947') was
earlier rejected by an order dated 15.04.1994, but the said claim
was allowed subsequently in the year 2012 without giving any
opportunity of hearing to the petitioner i.e. the landlord. It is also
the grievance of the petitioner that the certified copy of the fresh
order passed by the Anchal Adhikari, Banmankhi is not being
supplied to him.

In the considered opinion of this Court, against the
order passed by the Anchal Adhikari, Banmankhi under the

provisions of the Act, 1947, the petitioner has an alternative and efficacious remedy before the District Collector, Purnea under Section 21 of the Act, 1947. So far certified copy of the order is concerned, once the petitioner applies for the same with requisite fee, then the same has to be supplied to him.

For the reasons recorded above, the present writ petition is disposed of with a direction to the Anchal Adhikari, Banmankhi to provide a certified copy of the order passed by him allowing the claim of the private respondents with respect to the lands in question belonging to the petitioner. If the petitioner applies for the same in the prescribed format with requisite fees within a period of four weeks from today as also with a certified copy of the present order, the certified copy, so applied, shall be supplied to the petitioner without any unnecessary delay preferably within a period of one week from the date of filing of such petition by the petitioner. On receipt of the certified copy of the order, the petitioner shall be at liberty to approach the District Collector, Purnea under Section 21 of the Act, 1947 for grant of an appropriate relief to him with respect to the lands claimed by him as also the order passed by the respondent Anchal Adhikari, Banmankhi, but, before passing any final order, the respondent District Collector, Purnea shall give reasonable opportunity of hearing to all concerned including the petitioner, the private respondent nos. 5 and 6, besides others, if any.

The writ petition stands finally disposed of with the observations and directions made above.

Arvind/-

(Birendra Prasad Verma, J)

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