

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.12233 of 2014**

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Gupteshwar Rai S/o Late Ram Das Rai, R/o Village- Sonbarsha, P.O.-  
Sonbarsha, P.S. Buxar (I), District- Buxar.,

.... .... Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, Buxar.
3. The Superintendent of Police, Buxar.
4. The Sub-Division Officer, Buxar.
5. The Circle Officer, Buxar.
6. Phul Kumari Devi W/o Sri ShyamBihari Ram, S/o Vakil Ram null
7. Garobani Devi W/o Sri Lakshman Ram, S/o Bal BACHan Ram
8. Bhulan Ram, S/o Late Kishore Ram
9. Dulariya Devi W/o Jagdish Ram
10. Raj Muni Devi W/o Mahendra Ram, S/o Jagdish Ram
11. Gul Jariya Devi W/o Vakil Ram (Expunged and substituted by her following heirs and legal representatives: )
- 11(i) Sri Vakil Ram husband of late Gul Jariya Devi
- (ii) Shyam Bihari Ram
- (iii) Chani Ram, both sons late Gul Jariya Devi
12. Urmila Devi W/o Muna Ram, Serial No. 6 to 12 are resident of village-  
Sonbarsha, P.O.- Sonbarsha, P.S.- Buxar (I), District- Buxar.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Shree Kant Pandey, Adv.  
For the Respondent No.1 to 5 : Mr. M.K. Upadhyay, AC to G.P. 3  
For the Respondent No. 6 to 12: Mr. Ranjan Kumar Srivastava, Adv.  
Ms. Anindita Mukherjee, Adv.  
Mr. Rajani Gandha, Adv.

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA**  
**ORAL ORDER**

6      16-08-2016      Heard the parties.

The petitioner is aggrieved by the separate orders dated 16.06.2010 (Annexure-5 Series) passed in Basgit Parcha Case No. 59 of 2010- 11 and other analogous cases by the respondent Circle Officer, Buxar, whereby the separate claims raised on behalf of the private respondent No. 6 to 12 under the provisions of The Bihar Privileged Persons Homestead Tenancy Act, 1947 (in short Act, 1947) with respect to the lands claimed by the petitioner have

been allowed and consequently, separate homestead parchas have been issued in favour of the private respondents, which all are part of Annexure-5 series.

The learned AC to G.P. 3 appearing on behalf of the respondent no. 1 to 5 and the learned counsel appearing on behalf of the private respondents, on the other hand, submits that against the orders impugned, the petitioner has an alternative and efficacious remedy before the District Collector, Buxar in view of the provisions contained in Section 21 of the Act, 1947. Therefore, on that ground alone the writ petition is fit to be dismissed. It is also contended that against several separate orders dated 16.6.2010 (Annexure-5 series) one writ petition is not maintainable.

In view of the aforesaid objections raised on behalf of the respondents, the learned counsel appearing on behalf of the petitioner seeks permission to withdraw the present writ petition with a liberty to file separate petitions under Section 21 of the Act, 1947 before the District Collector, Buxar assailing the separate orders dated 16.6.2010 passed by the C.O., Buxar, and for grant of appropriate relief(s) to the petitioner with respect to the lands in question as also the orders impugned.

Permission is accorded.

The writ petition stands disposed of as withdrawn with the liberty aforesaid.

It is clarified that if such separate petitions are filed on behalf of the petitioner within a period of one month from today with a certified copy of the present order, then the District Collector, Buxar shall consider and decide his case strictly in accordance with law, but before passing any final order,

opportunity of hearing must be given to all concerned including the petitioner and the respondent no. 6 to 12, besides others, if any.

It is expected that if such petitions are filed on behalf of the petitioner, then the same shall be considered and decided expeditiously.

**(Birendra Prasad Verma, J)**

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