

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16689 of 2011

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1. Ashok Prasad
2. Binod Prasad
Both sons of Late Achaywar Seth, R/O Mauza Baradhi, P.S.- Dihri Akodhi Gola, Distt.- Rohtas
3. Rajesh Kumar Mehta @ Chatthu Singh, S/O Ramlakhan Singh, R/O Mauza Kolhai Baruna, P.S.-Dihri Akodhi Gola, Distt.- Rohtas

.... Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary
2. Collector, Rohtas at Sasaram
3. Additional Collector (Revenue), Rohtas, Sasaram
4. Anchal Adhikari, Akodhi Gola, Sasaram
5. Jagdish Ram, S/O Late Lalchand Ram, R/O Village- Madhuraypur, P.S.- Akodhi Gola, Distt.- Rohtas

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar Singh, Adv.
Mr. Anupa Nand Jha, Adv.
For the Respondent nos.1to4 : Mr. Ramadhar Singh, GP-25
Mr. Anirudh Kumar Singh, AC to GP-25

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 16-08-2016 The petitioners are aggrieved by the final order dated 12.07.2011 passed in Homestead Parcha Case No.1 of 2005-06 by the respondent Anchal Adhikari, Akodhi Gola, as contained in Annexure-4 to the writ petition, whereby the claim raised on behalf of the respondent no.5 for grant of homestead parcha with respect to the lands claimed by the petitioners has been allowed under the provisions of The Bihar Privileged Persons Homestead Tenancy Act, 1947 (in short 'Act, 1947'). The petitioners are also aggrieved by the consequential order dated 25.08.2011, whereby a direction has been issued to hand over possession over the lands in question to the respondent no.5.

In the considered opinion of this Court, against the

order impugned, the petitioners have an alternative and efficacious remedy before the District Collector, Rohtas, Sasaram in view of the provisions contained in Section 21 of the Act, 1947.

In above view of the matter, the present writ petition is dismissed, but a liberty is granted to the petitioners to approach the District Collector, Rohtas, Sasaram in terms of Section 21 of the Act, 1947 for grant of appropriate relief(s) with respect to the lands claimed by them as also the order impugned.

It is clarified that, if some of the parties are found to have died during the pendency of the writ petition, then his/their heirs and legal representatives shall be impleaded as party respondents in the petition filed under Section 21 of the Act, 1947 before the District Collector and such heirs and legal representatives of any of the deceased party shall be deemed to have been substituted by order of this Court.

(Birendra Prasad Verma, J)

Arvind/-

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