

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17827 of 2011

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Shushil Kumar Sah, Son Of Late Sahadeo Sah, Resident Of Village-
Patarghat Via Dhamauli, P.S. Saur Bazar, District Saharsa

.... Petitioner/s

Versus

1. The State Of Bihar
 2. The Commissioner, Koshi Division, Saharsa
 3. The Collector, District Saharsa
 4. The Circle Officer, Saur Bazar, District- Saharsha
 5. Rajendra Sah, Son Of Late Manohar Sah
 6. Mira Devi, Wife Of Rajendra Sah
 7. Atish Sah, Son Of Rajendra Sah
- All Resident Of Village Patarghat, P.S. Saur Bazar, District - Saharsha

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Abhay Kumar Singh, Adv.
For the Respondent nos.1to4	:	Mr. Durgesh Nandan, AAG-14
For the Respondent no.5	:	Mr.Naresh Chandra Verma, Adv.
		Mr.Natraj Verma, Adv.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

4 30-08-2016

Heard the parties.

The petitioner is aggrieved by the order dated 04.08.2011 passed in Misc.Case No.22 of 2008 by the respondent Commissioner, Koshi Division, Saharsa, as contained in Annexure-11 to the writ petition, whereby the aforesaid case filed on behalf of the petitioner has been dismissed.

Though, the learned counsel appearing on behalf of the petitioner has argued the matter at some length, but he fairly conceded that, against the orders passed by the Anchal Adhikari, Patarghat/Saur Bazar as also the District Collector, Saharsa vide orders contained in Annexure-4 and 9 respectively rejecting the claim of the petitioner for grant of homestead parcha under the provisions of The Bihar Privileged Persons Homestead Tenancy

Act, 1947 (in short 'Act, 1947'), the petitioner had moved earlier before this Court in CWJC No.13956 of 2006, but that application was dismissed as withdrawn vide order dated 23.07.2008 (Annexure-10), but with a liberty to move before the Divisional Commissioner. In the light of the liberty granted by this Court, the petitioner filed Misc. Case No.22 of 2008 before the Commissioner, Koshi Division, Saharsa, but he has rejected the aforesaid case by the impugned order dated 04.08.2011 (Annexure-11).

Under the scheme of the Act, 1947, the Divisional Commissioner has not been vested with any power of revision. Therefore, in the considered opinion of this Court, the respondent Commissioner has rightly dismissed the aforesaid case and has refused to interfere with the order of District Collector vide Annexure-9.

In view of the previous order dated 23.07.2008 (Annexure-10) passed in CWJC No.13956 of 2006 by a Bench of this Court, reliefs sought for on behalf of the petitioner cannot be countenanced. The writ petition is devoid of merit and is, accordingly, dismissed, but without costs.

(Birendra Prasad Verma, J)

Arvind/-

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