

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7174 of 2014

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Ramchandra Manjhi Son of Dharichhan Majhi, Resident of Village - Rajapur, P.O. Kateya, P.S. Kateya, District - Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar through Collector, Gopalganj.
2. The District Magistrate, Gopalganj.
3. The D.C.L.R. Hathua, Gopalganj.
4. The Circle Officer, Kateya, Gopalganj.
5. Jai Prakash Pandey Son of late Indrajeet Pandey Resident of Village - Rajapur, P.O. and P.S. Kateya, Anchal Kateya, District - Gopalganj.
6. Sambhu Baitha.
7. Jitendra Baitha.
8. Abhay Baitha, All are Sons of Suresh Baitha Resident of Village - Rajapur Pargana - Kuari, P.O. and P.S. - Kateya, District - Gopalganj.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Chandra, Adv.
Mr. Dhramveer, Adv.

For the Respondent Nos.1 to 4 : Mr. Kunal Tiwary, AC to GA-2

For the Respondent Nos. 6 & 7: Mr. Ranjan Kumar Dubey, Adv.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA

ORAL JUDGMENT

Date: 09-08-2016

Heard the parties.

The petitioner is aggrieved by the order dated 17th January, 2014 passed in B.L.T. Case No. 276 of 2013 by the learned Bihar Land Tribunal, Patna, as contained in Annexure-1 to the writ petition, whereby aforesaid B.L.T. case filed on behalf of the private respondent Nos. 5 to 8 herein has been allowed, and after setting aside the order dated 16.01.2006/ 27.03.2006 passed by the respondent Circle Officer, Kateya in Basgit Parcha Case No. 6 of 2005-06 as also the order dated 27.08.2012 passed by the respondent District Collector, Gopalganj in Revision Case No. 6 of 2005-06, the matter has been remitted back to the respondent Circle Officer, Kateya with a direction to decide the claim of the parties afresh after following the procedures prescribed under the provisions of The Bihar Privileged

Persons Homestead Tenancy Act, 1947 (In shot Act, 1947) and the rules made thereunder.

Admittedly, by the impugned order, the learned Tribunal has set aside the order passed by the Circle Officer on the ground that the procedures prescribed under the Act, 1947 and the rules made thereunder have not been strictly followed. In view of the aforesaid remand order, now, the matter has to be decided afresh by the respondent Circle Officer, Kateya in accordance with law.

In view of the order of remand made by the learned Tribunal, this Court does not feel persuaded to interfere with the impugned order passed by the learned Tribunal. Accordingly, the writ petition is dismissed.

At this stage, the learned counsel appearing on behalf of the petitioner has raised a valid grievance that though by the impugned order dated 17th January, 2014 (Annexure-1), the matter has been remitted back to the respondent Circle Officer, Kateya for passing a fresh order with respect to the claims raised on behalf of the petitioner, but till date the matter has not been proceeded further.

The learned counsel appearing on behalf of the private respondent nos. 6 and 7 has also conceded that in view of the remand order, the matter has to be decided afresh by the respondent Circle Officer.

In the aforesaid factual matrices, the respondent Circle Officer, Kateya is hereby directed to decide the claim of petitioner under the provisions of the Act, 1947 expeditiously preferably within a period of six months from the date of receipt/ production of a copy of this order.

In order to expedite the matter, the petitioner as also the private respondents are directed to appear before the Circle Officer,

Kateya with a certified copy of the present order within a period of one month from today, whereafter the respondent Circle Officer, Kateya shall proceed to decide the matter strictly in accordance with law, but before passing any final order opportunity of hearing must be given to all concerned.

The parties shall be at liberty to raise all issues of facts and law, which may be available to them, with respect to the lands in question before the respondent Circle Officer, Kateya.

With the aforesaid observations and clarification, the writ petition is dismissed, but without cost.

(Birendra Prasad Verma, J)

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