

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5240 of 2014

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Md. Basar, S/O Late Md. Hanif, Resident Of Village- Chakdad
Madhurapur, Darzee Tola, Nagar Panchayat Teghra, Ward No. 16, P.S. And
Anchal - Teghra, District Begusarai.

.... Petitioner/s

Versus

1. The State Of Bihar through Chief Secretary Govt. Of Bihar, Patna.
2. The District Collector, Begusarai.
3. The Sub-Divisional, Magistrate, Teghra, District Begusarai.
4. The Circle Officer, Teghra, District- Begusarai.
5. Sajo Khatoon, W/O Late Md. Akhtar, Resident Of Village Kastoli,
Samsa, P.S. Mansoor Chak, District Begusarai, At Present House Of Bhola
Darzee, Purani Bazar, P.S. And Anchal- Teghra, District- Begusarai.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Fahimuddin, Adv.
For the Respondent nos.1to4 : Mr. Manish Kumar, GP-8
For the Respondent no.5 : Mr. Rishit Deo Kumar Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

4 23-06-2016 Heard learned counsel for the petitioner and learned
GP-8 appearing on behalf of the respondent nos.1 to 4.

The petitioner has filed the present writ petition for quashing the Basgit Parcha issued in favour of the private respondent no.5, as contained in Annexure-1 to the writ petition, and also for quashing the notice dated 26.02.2014 vide Annexure-2 issued by the Anchal Adhikari, Teghra.

The learned GP-8 at the very outset submitted that the present writ petition is not maintainable at this stage, as the Basgit Parcha was issued in favour of the private respondent no.5 under the provisions of The Bihar Privileged Persons Homestead Tenancy Act, 1947 (in short 'Act, 1947') and against such order the petitioner has an alternative remedy before the District Collector, Begusarai in terms of Section 21 of the Act, 1947.

In above view of the matter, the petitioner is granted liberty to approach the respondent District Collector, Begusarai in terms of Section 21 of the Act, 1947 for grant of appropriate relief(s) with respect to the lands in question.

If an appropriate petition is filed on behalf of the petitioner under Section 21 of the Act, 1947 before the respondent District Collector, Begusarai after impleading all the necessary parties including the parcha holder or in case of her death her heirs and legal representatives, then the same shall be considered and decided strictly in accordance with law, but, before passing any final order, an opportunity of hearing must be given to all concerned including the petitioner and the respondent no.5 and in case of her death her heirs and legal representatives, besides others, if any.

The parties shall be at liberty to raise all the issues of facts and law before the District Collector, Begusarai, which may be available to them, with respect to the lands in question and the orders passed by the Anchal Adhikari, Teghra under the provisions of the Act, 1947.

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

(Birendra Prasad Verma, J)

Arvind/-

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