

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1020 of 2016

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Lakshmi Kant Mishra son of Late Vasudeo Mishra, resident of village -
Saraiya, P.O. Samartha, P.S. + Circle - Bibutipur, District - Samastipur
..... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms, Government of Bihar, Patna
2. The Divisional Commissioner, Darbhanga Commissionary, Darbhanga
3. The District Magistrate - Cum - Collector, Samastipur
4. The Additional Collector, Samastipur
5. The Deputy Collector Land Reforms, Rosera, Distt. - Samastipur
6. The Sub Divisional Officer, Rosera, District - Samastipur
7. The Circle officer, Bibhutipur, District Samastipur
8. Anita Devi wife of Anandi Ram, resident of village - Sakra, P.S. Bibhitipur, District - Samastipur
9. Ravi Kumar son of Mahendra Ram, resident of village – Mahmadpur Sakra, P.S. Bibhutipur, District - Samastipur
10. Sarita Devi wife of Sikandar Ram, resident of village - Sakra, P.S. Bibhutipur, District - Samastipur

..... Respondent/s

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Appearance :

For the Petitioner/s : None

For the Respondent Nos. 1 to 7 : Mr. Vivek Prasad, GP 7

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 25-10-2016 Despite repeated calls, none appears on behalf of the petitioner in support of the present writ petition, though the name of the learned counsel appearing on his behalf is printed in the daily cause list.

The learned GP7, appearing on behalf of the respondent nos. 1 to 7, on the other hand, submits that if the petitioner is at all aggrieved by issuance of homestead parchas in favour of the respondent nos. 8 to 10 under the provisions of The Bihar Privileged Persons Homestead Tenancy Act, 1947 (in short “the Act, 1947”), then he has an alternative remedy before the District Collector, Samastipur under the provisions of the Act, 1947.

In view of the nature of relief(s) sought for on behalf of the petitioner, fully detailed in paragraph 1 of the writ petition, it appears that the petitioner wants cancellation of homestead pachas issued to the private respondent nos. 8 to 10 under the provisions of the Act, 1947.

In above view of the matter, the submissions of the learned GP 7 appear to be correct. Hence, the present writ petition is dismissed, but a liberty is granted to the petitioner to approach the District Collector, Samastipur under Section 21 of the Act, 1947 for grant of appropriate relief(s) to the petitioner with respect to the lands in question, as also the orders passed by the respondent Anchal Adhikari under the provisions of the aforesaid Act.

If such a petition is filed on behalf of the petitioner, after impleading all the necessary parties including the respondents herein, the same shall be considered and decided on its own merits in accordance with law, but before passing any final order, reasonable opportunity of hearing must be given to all concerned including the petitioner and respondent nos. 8 to 10, besides others, if any.

The writ petition stands finally dismissed, but with the observations and directions made above.

(Birendra Prasad Verma, J)

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