

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18233 of 2017

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Badaru Nisha @ Badarun Nisha, wife of Late Md. Kasim, resident of Village and P.O. Siura, P.S. Patori, District Samastipur.

... .. Petitioner

Versus

1. The State of Bihar through Principal Secretary, Revenue and Land Reforms, Bihar, Patna.
2. The Members Administrative, Bihar Land Tribunal, Patna.
3. The Collector, Samastipur.
4. The Anchal Adhikari, Patori Anchal, P.O and P.S. Patori, District Samastipur.
5. Md. Sahabuddin son of Abdul Zabbar, resident of Village- Hazrat Siura, P.S. Patori, District Samastipur.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Choudhary
For the Respondent/s : Mr. Raj Kishore Roy-Gp18

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL JUDGMENT

Date : 25-10-2018

Heard the learned counsel for the petitioner and the learned counsel for the State.

2. The petitioner has filed this writ petition for quashing the order dated 07.09.2017, passed by Member Administrative, Bihar Land Tribunal, Patna in B.L.T. Case No.1195 of 2015, Annexure-5, whereby the Member Administrative, Bihar Land Tribunal set aside the order dated 01.07.2015, passed by the Collector, Samastipur in Basgit Parcha Case No.48 of 2007 as well as the order dated 18.10.2006, passed by the Anchaladhikari, Patori in Basgit Parcha Case No.05 of 2006-07.



3. The learned counsel for the petitioner submits that the petitioner filed a petition before the Circle Officer for issuance of Basgit Parcha with regard to the land of Khata No.477, Khesra No.2067, area 16 Dhurs standing in the name of Md. Israil and Md. Ismail Wazmul. The Circle Officer after holding the inquiry ordered for issuance of Basgit Parcha in favour of the petitioner but the respondent no.5, Md. Sahabuddin filed appeal before the Collector and assailed the order that Rule 5 of the Bihar Privileged Persons Homestead Tenancy Act was violated, no inquiry was held by the Circle Inspector. The Rule mandates that the inquiry shall be held by an officer not below the rank of Circle Inspector. The Collector dismissed the appeal of the respondent no.5. Thereafter the respondent no.5 filed case before the Bihar Land Tribunal and the Member Administrative, Bihar Land Tribunal illegally held that Basgit Parcha was illegally issued in favour of the petitioner without following the procedure of law and without giving notice to the landlord. It is further submitted that the respondent no.5 has already filed suit for setting aside the Parcha issued in favour of the petitioner but on perusal of the records and after considering the submissions of the petitioner, I find that the learned Member Administrative, Bihar Land Tribunal, Patna has categorically held that Rule 5 of the Bihar Privileged Persons Homestead Tenancy



Act has not been followed. The Circle Officer entrusted the inquiry to the Halka Karamchari and no notice was served on the landlord. In this view of the fact, I find no illegality in the order dated 07.09.2017, passed by Member Administrative, Bihar Land Tribunal, Patna in B.L.T. Case No.1195 of 2015.

4. Accordingly, this writ petition is dismissed being devoid of any merit.

(Prabhat Kumar Jha, J)

S.KUMAR/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.10.2018
Transmission Date	NA

