

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.916 of 2017

IN

Civil Writ Jurisdiction Case No. 13372 of 2002

=====

Manju Devi, wife of Sahdeo Ram, Resident of Mohalla - Lal
Darwaja, P.S. - Kotwali, District - Munger.

.... Appellant/s

Versus

1. The State of Bihar.
2. The District Magistrate, Lakhisarai.
3. The Circle Officer, Surajgarha, District - Lakhisarai.
4. Mosmat Sharda Devi, wife of Late Satyanarayan Ram, Resident
of Purani Bazar, Surajgarha, P.S. - Surajgarha, District -
Lakhisarai.

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Indu Bhushan, Advocate

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT & ORDER

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date: 04-10-2018

The appellant (original writ-petitioner) is aggrieved
by the judgment and order dated 31.07.2013, passed by the
learned Single Judge in C.W.J.C. No. 13372 of 2002, whereby
her prayer for setting aside the order dated 19.04.2002,



passed in Homestead Parcha Case No. 9 of 2000-2001 by the Circle Officer, Surajgarha in the district of Lakhisarai, whereby the respondent No. 4 has been issued a homestead parcha under the provisions of the Bihar Privileged Persons Homestead Tenancy Act, 1947 (*in short the **Act***), has been rejected.

2. The learned Single Judge, while dismissing the writ petition of the appellant (original writ-petitioner), found that the homestead parcha was issued in favour of respondent No. 4 for a very small parcel of land measuring 1½ decimals for construction of a residential house for the reason that she was a landless person. The learned Single Judge has also noted the fact that as against the aforesaid order of the Circle Officer granting homestead parcha to respondent No. 4, there is a provision for appeal before the Collector under Section 21 of the Act, which was not availed of by the appellant (original writ-petitioner).

3. From the perusal of the records, we find that the order impugned in the aforesaid writ petition was passed in the year 2002 and a writ, challenging the same, came to be decided in the year 2013. It is precisely for this reason that the prayer of the learned counsel for the appellant (original writ-petitioner) for giving him liberty to approach the Collector for filing an appeal is not entertained and is rejected.



4. After going through the judgment and order impugned, we do not find the same to be bad in facts and law. The learned Single Judge has not committed any irregularity in dismissing the prayer of the appellant (original writ-petitioner).

5. The present Letters Patent Appeal, therefore, fails and is, accordingly, dismissed.

(Mukesh R. Shah, CJ)

(Ashutosh Kumar, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	10.10.2018
Transmission Date	N/A

