

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5482 of 2019

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Nagendra Kumar Sahni @ Nagendra Sahani @ Vimal Sahni S/o Birlakh Sahni @ Birlak Sahni Vill.- Mudda, Ps.- Govindganj, Distt.- East Champaran, Motihari

... .. Petitioner/s

Versus

1. The State of Bihar through Commissioner, Tirhut Division at Muzaffarpur
2. The Collector East Champaran
3. The Deputy Collector Land Reforms, Areraj, East Champaran
4. Ram Sakal Sahni S/o Late Nirmal Sahni Vill.- Mudda, Ps.- Govindganj, Distt.- East Champaran

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Kaushal Kishore
For the Respondent/s : Mr.Md.Khurshid Alam (AAG-12)
Mr. Arun Kumar Bhagat, AC to AAG-12

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 27-03-2019 Heard learned counsel for the parties.

2. The petitioner seeks quashing of an order dated 11.07.2018, passed by the learned Chairman, Bihar Land Tribunal, Patna in B.L.T. Case No. 430 of 2017. The said B.L.T. Case No. 430 of 2017, admittedly, arose out of a proceeding under Bihar Land Dispute Resolution Act, 2009 (hereinafter referred to as 'the Act'). From the impugned order, I notice that the competent authority under the land Dispute Case No. 234 of 2012-13 had concluded that Basgit Parcha granted by the Bihar Privileged Persons Homestead Tenancy Act was not in accordance with law/rules. On an appeal preferred by the private



respondent, herein, the appellate authority under the Act recorded his opinion that it was not within the scope of the authorities under the Act to go into and adjudicate upon the validity of the Basgit Parcha issued under the Bihar Privileged Persons Homestead Tenancy Act. The appellate authority accordingly interfered with the order of the competent authority, which view of the appellate authority has been affirmed by the Tribunal in the impugned order.

Learned counsel appearing on behalf of the petitioner has again raised his plea that the Basgit Parcha was wrongly issued without complying with the relevant statutory provisions.

In my opinion, the appellate authority under the Act and the Bihar Land Tribunal are correct in their approach that the authorities under the Act cannot adjudicate upon the validity of Basgit Parcha granted under the provisions of Bihar Privileged Persons Homestead Tenancy Act. If the petitioner had any grievance against the issuance of Basgit Parcha, he had remedy under Bihar Privileged Persons Homestead Tenancy Act. The impugned orders do not need interference, accordingly.

While dismissing the case of the petitioner, the learned Chairman of the Bihar Land Tribunal had granted him liberty to seek redressal of his grievance in accordance with



law/rules, making it clear that pendency of the application before the Tribunal can be taken as ground for condonation of delay.

In that view of the matter, without interfering with the impugned order of the Tribunal, this writ application is disposed of with the same liberty as indicated in the impugned order of the Tribunal dated 11.07.2018. It is thus indicated that if appropriate forum is approached by the petitioner by making an application within fortnight from today, the appropriate authority shall keep in mind the fact that the petitioner was pursuing his remedy before this Court after order dated 11.07.2018, was passed by the Tribunal, while considering his application for condonation of delay.

This disposes of the application.

(Chakradhari Sharan Singh, J)

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