

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 1307 of 2020

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Sakaldeep Paswan, aged about 65 years, Gender-Male, Son of Late Bangali Paswan, Resident of Village-Ratwara Tola, Sukharghat, Ward No. 7, P.S. Ratwara, Anchal Alamnagar, District Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Collector, Madhepura.
3. The Anchal Adhikari, Alamnagar, Madhepura.
4. Ashok Paswan, Son of Anirudh Paswan, Resident of Village-Ratwara Tola, Sukharghat, P.S. Ratwara, Anchal Alamnagar, District Madhepura.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Amar Nath Singh and Mr. Ashok Kumar, Advocates
For the Respondent/s	:	Mr. Rakesh Kumar Shrivastava, AC to GP 15

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 21-01-2020

Heard learned counsel for the petitioner and learned AC to GP 15 for the State.

2. The petitioner has moved the Court for the following reliefs:

“For quashing the order passed in BLT Case No. 545/2018 dt. 15.11.2019 whereby and where under the order dt. 27.12.2017 passed by Collector, Madhepura in Basgit Parcha Revision Case No. 13/2015 and order dt. 5.10.2013 passed by circle officer Alamnagar in Basgit Parcha Case No. 66/2013-14 have been set aside and matter has been remanded to the court of Circle Officer, Alamnagar for verifying facts whether the petitioner and his wife held 2.15 Acre of land in same Khata on the day of issuance of Basgit



Purcha and also the claim of submergence of same lands in river.

b) For grant of stay of all consequential action in pursuance of order passed in B.L.T. Case No. 545/2018 dt. 15.11.2019.

c) Any other relief/s which this Hon'ble Court may deem fit and proper in the fact and circumstances of this present case."

3. The petitioner has alleged that he was settled 10 decimals of land by issuance of *Basgit Parcha* under the Bihar Privileged Persons Homestead Tenancy Act, 1947. It was submitted that the respondent no. 4 filed *Basgit Parcha* Revision Case No. 13 of 2015, before the Collector, Madhepura against such settlement. It was submitted that the same was decided in favour of the petitioner by order dated 27.12.2017. Learned counsel submitted the respondent no. 4 thereafter moved before the Bihar Land Tribunal (hereinafter referred to as the 'Tribunal') in BLT Case No. 545 of 2018 and by order dated 15.11.2019, though the matter has been remanded to the Court of Circle Officer, Alamnagar for verifying facts after holding spot verification but there is no direction to pass a fresh order and the *Basgit Parcha* issued to the petitioner by order dated 05.10.2013 passed by the Circle Officer, Alamnagar in *Basgit Parcha* Case No. 66 of 2013-14 as well as the order dated 27.12.2017, passed by the Collector, Madhepura in *Basgit Parcha* Revision Case No. 13 of 2015 in favour of the petitioner, had been set aside. Learned



counsel submitted that once the Tribunal has remanded the matter for spot verification and has set aside the order in favour of the petitioner, the authority despite having carried out the exercise is not passing any consequential order ostensibly on the ground that there is no such direction in the order of the Tribunal dated 15.11.2019. Learned counsel submitted that all field reports are in his favour and he is also in possession, but because of such order of the Tribunal, there is no order in his favour operating which would result in ultimate eviction of the petitioner from the land in question.

4. Learned counsel for the State submitted that from the order, it is obvious that the Circle Officer, Alamnagar has to pass a fresh order based on such spot verification after remand. However, he submitted that the Court may clarify the issue.

5. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court finds substance in the contentions of learned counsel for the petitioner. The Tribunal having remanded the matter to the Court of Circle Officer, Alamnagar, and setting aside of the order passed in favour of the petitioner for issuance of *Basgit Parcha* and the order of the Collector, Madhepura, in effect issuance of such *Basgit Parcha* in his favour itself goes. Thus, without there being



an indication for the Circle Officer, Alamnagar to pass consequential orders based on such spot verification, there is scope of confusion in the mind of the authorities, with regard to what may be required for compliance of the order of the Tribunal. From the records, it appears that pursuant to such remand, the Anchal Adhikari had called for a report from the local *Amin* who has also reported in favour of the petitioner but no fresh orders are being passed by the authorities with regard to *Basgit Parcha* issued earlier to the petitioner.

6. In view thereof, the writ petition stands disposed off clarifying the order of the Tribunal dated 15.11.2019 passed in BLT Case No. 545 of 2018, to the extent that the order of remand to the Circle Officer, Alamnagar, for spot verification be followed by appropriate consequential orders with regard to issuance of *Basgit Parcha* to the petitioner. The exercise be completed, if already not done, latest within a period of six weeks from the date of production of a copy of this order on the respondent no. 3.

7. In the meantime, the petitioner shall not be dispossessed from the land for which earlier *Basgit Parcha* was issued to him in *Basgit Parcha* Case No. 66 of 2013-14.



8. The Court would only indicate that before passing final orders, the respondent no. 4, who is petitioner before the Tribunal shall also be noticed and heard.

(Ahsanuddin Amanullah, J.)

P. Kumar

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