

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No. 401 of 2019
In
Civil Writ Jurisdiction Case No. 3095 of 2019

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Md. Irfan, Son of Md. Muslim, Resident of Village- Gothani, P.O.- Balha
Gothani, P.S.- Kusheshwar Asthan, District- Darbhanga.

... .. Appellant/s

Versus.

1. The State of Bihar Bihar
2. The Principal Secretary, Department of Revenue and Land Reforms,
Government of Bihar, Patna.
3. The Commissioner, Darbhanga Division, Darbhanga.
4. The Collector and District Magistrate, Darbhanga.
5. The Sub-Divisional Officer, Biraul, Darbhanga, Bihar.
6. The Circle Officer, Kusheshwar Asthan, District-Darbhangha.
7. The Deputy Collector, Land Reforms Biroul, Darbhanga.
8. Dr. Anil Kumar Singh, Son of Dr. Dwarika Prasad Singh, Resident of
Village-Attapur, P.S.-Hasanpur, District-Samastipur.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Manish Kumar No 13, Adv,
Mr. Rohit Kumar, Adv.

For the Respondent/s : Mr.Md.Khurshid Alam (AAG12).

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 30-01-2021

Heard the parties.



Aggrieved by judgment and order dated 18.02.2019 passed by learned Single Judge of this Hon'ble Court in C.W.J.C. No. 3095 of 2019 dismissing the writ petition appellant/petitioner has preferred this L.P.A.

Appellant/petitioner had filed writ petition for setting aside the order dated 04.10.2018 passed by Bihar land Tribunal, Patna in B.L.T. Case No. 522 of 2017 by which learned Tribunal has set aside the order dated 29.03.2017 passed by Collector, Darbhanga as well as order dated 02.03.1994 passed by Circle Officer, Kusheshwar Asthan, Darbhanga, granting Basgit Parcha to the appellant/petitioner and remitted the matter back to the Collector of the Darbhanga District to pass a fresh order after hearing both the parties.

Briefly stated the facts of the case is that Basgit Parcha was granted to appellant/petitioner by Circle Officer Kusheshwar Asthan, Darbhanga by order dated 02.03.1994 against which respondent no.8 filed appeal before the Collector, Darbhanga giving rise to Miscellaneous (Basgit Parcha) Appeal No. 17 of 2009-10 which was dismissed by the Collector Darbhanga by order dated 29.03.2017 against which private respondent no.8 filed appeal in Bihar land Tribunal, Patna giving rise to B.L.T. Case No. 522 of 2017 which was allowed



by order dated 04.10.2018 passed by learned Tribunal setting aside both the orders of Circle Officer as well as Collector and remanding the matter to the Collector, Darbhanga to hear the matter afresh.

Learned Land Tribunal issued notices to appellants/petitioners but in spite of valid service of notice they did not appear before the tribunal and as such matter was decided ex parte against appellants/petitioners.

Learned Tribunal allowed appeal preferred by the respondent no.8 after observing that from the order passed by Circle Officer dated 03.02.1994 it did not appear that notices were issued to predecessors of respondent no.8 before grant of Basgit Parcha to appellants/petitioners. There is also no finding that appellants/petitioners were in possession of the land as privileged tenants of predecessors of respondent no.8. Learned Tribunal further observed that in view of provision of Bihar Privileged Persons Homestead Tenancy Act, 1947, the finding on two issues that is status as a privilege person and occupation of the land as a privilege tenant are *sine quo non* for grant of Basgit Parcha and accordingly set aside both the orders and remanded the matter to the Collector to decide the case afresh.

After hearing both the parties, the learned Single



Judge did not interfere in the order passed by the learned Tribunal and dismissed the writ petition. This Court does not find any infirmity or error in the order passed by the learned Single Judge, requiring any interference, accordingly, present L.P.A. is dismissed.

(Sanjay Karol, CJ)

(S. Kumar, J)

Rajiv/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.01.2021
Transmission Date	NA

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