

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.301 of 2020

In

Civil Writ Jurisdiction Case No.18242 of 2019

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Md. Minatullah, Son of Late Md. Abdullah Resident of Village- Ganeshpur,
Police Station- Marauna, Dist.- Supaul.

... .. Appellant/s

Versus

1. The State of Bihar.
2. The District Magistrate, Supaul.
3. The Anchal Adhikari Marauna, Police Station Marauna, District- Supaul.
4. Md. Shamil Son of Late Md. Khalil at present resident of Pipraulia, P.S.-
Kharua, P.S.- Jhanjharpur, District- Madhubani, PIN 847238, Permanent
Address- Village Ganeshpur, P.s.- Marauna, District- Supaul.

...
... Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Asif Kalim, Advocate
		Mr. Arun Kumar Bhagat, Advocate
For the Respondent/s	:	Mr. Md. Khurshid Alam, AAG-12

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

(The proceedings of the Court are being conducted through Video Conferencing and the
Advocates joined the proceedings through Video Conferencing from their residence.)

Date : 26-08-2021

I.A. No. 01 of 2021

This interlocutory application has been filed for
condonation of delay of 311 days in filing the present appeal.

Sufficient reasons has been shown to condone the

delay in filing appeal, accordingly the Interlocutory application is allowed and the delay in filing this appeal is condoned.

L.P.A. No. 301 of 2020

Heard learned counsel for the parties.

This letters patent appeal has been preferred by the appellant/petitioner for setting aside the order dated 09.09.2019 passed in C.W.J.C. No. 18242 of 2019 passed by learned Single Judge of this Hon'ble Court by which writ petition filed by appellant was dismissed.

Briefly stated, the facts of the case is that appellant/petitioner had filed an application for issuance of Basgit Parcha appertaining to Khata No. 661, Kheshra No. 9344, measuring 1 katha situated in village Marauna and on such application Basgit Parcha Case No. 06/2002-03 was registered and enquiry was held in which appellant/petitioner was found in possession over the land and house and accordingly parcha under Bihar Privileged Persons Homestead Tenancy Act was issued in favour of appellant/petitioner against which respondent/landlord filed revision under Section 21 of the Act but same was dismissed against which he filed case before

Bihar Land Tribunal and same was allowed by the Tribunal against which appellant preferred writ petition which was dismissed by the impugned order and the order passed by the tribunal was upheld by the learned Single Judge.

The contention raised by the landlord/ respondent before the tribunal that appellant/petitioner is not a privileged person within the meaning of Section 2(J) of the Act was upheld by the land tribunal as well as learned Single Judge. There is concurrent finding that appellant/petitioner does not come within the definition of privileged persons under Section 2(J) of the Act and no enquiry as envisaged under the Act was held after issuance of notice on the respondent/landlord.

It was further held that appellant/petitioner did not disclose in his application that on account of any contract he is residing as a tenant of the landlord over said land and house. Subsequently, it has been found that appellant/petitioner paid Rs. 32,000/- as consideration money to the landlord and entered into the land by virtue of an oral agreement to purchase the land which shows that appellant/petitioner did not entered into the land as a privileged person with the consent of landlord for rendering any service or paying any rent.

After hearing counsel for the parties, this Court

does not find any infirmity or error in the order passed by the learned Single Judge requiring any interference by this Court, accordingly, the LPA is dismissed.

(Sanjay Karol, CJ)

(S. Kumar, J)

Rajiv/veena-

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