

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6451 of 2020

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Raj Kumar Sah Son of Late Ram Khelawan Sah Resident of Village- Minapur
Balha, P.S. and Anchal- Piparahi, District- Sheohar.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate Sheohar.
3. The Deputy Collector Land Reform Sheohar.
4. The Circle Officer Piparahi, District- Sheohar.
5. Anita Devi W/o Nathuni Sah Resident of Village- Balha, P.S.- Piparahi,
District Sheohar.
6. Chinta Devi W/o Mukhlal Sah Resident of Village- Balha, P.S.- Piparahi,
District Sheohar.
7. Ganeshi Sah S/o Late Buchai Sah Resident of Village- Balha, P.S.- Piparahi,
District Sheohar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kishore Thakur, Adv.
For the Respondent/s : Mr. Md. Khurshid Alam (Aag12)

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CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA
ORAL ORDER

3 01-04-2022 Heard the parties through video conferencing.

The petitioner by way of this petition assails the order dated 03.04.2018 passed by the Collector, whereunder the Collector has dismissed the appeal filed by the petitioner against the order dated 05.10.2013 passed by the Circle Officer, whereby he has issued Basgit Parcha in favour of the respondent no. 5 to 7. Learned counsel appearing for the petitioner submits that while issuing the Basgit Parcha, the Circle Officer was required to give notice to the person, who were already entered as raiyats namely Satya Narayan Thakur and his inheritor. It is submitted that the order dated 05.10.2013 does not reflect whether the notice was served on Satya Narayan Thakur



and the order, therefore, deserves to be declared void ab initio

Learned counsel relies on the judgment passed by this Court in 1993 (2) PLJR Page 598 in support of his contention. Learned counsel submits that the entire proceedings were conducted in a slipshod manner in favour of the respondent no.5 to 7. He had filed an appeal against the said order, which was dismissed by the Collector and Bihar Land Tribunal, Patna has also rejected his application.

I have considered the submission.

The petitioner is not the person in whose name the original recorded tenant has been shown namely Satya Narayan Thakur nor he is an inheritor to Satya Narayan Thakur. The petitioner has purchased the alleged property by way of the sale deed executed on 20.02.2014. In the proceeding before the Collector or before the B.L.T. The alleged original recorded tenant or his legal heirs were not impleaded as parties nor they objected to the recording of tenancy in favour of the respondent no.5 to 7. The contention of the petitioner that notice was not served on the original landlord/recorded tenant has not been found to be proved either by the Collector or by B.L.T. In fact, no such contention has ever been raised by the original landlord in the sale deed which has been placed on record. The said Mahendra Thakur S/o Satya Narayan Thakur appears to have sold the land to the petitioner. However, the sale deed is executed after the land was recorded in favour of the respondent no.5 to 7. The sale



deed also does not in any manner mention about the order passed by the Circle Officer dated 05.10.2013.

Thus, the sale deed appears to be an after thoughts method adopted so that the petitioner may take up proceeding against the respondent no.5 to 7 as a new vendee, whereas the sale deed itself could not have been executed relating to a land which has already been transferred in the name of the respondent no.5 to 7.

In view thereof, the B.L.T. has found that the petitioner does not have any locus standi. In the absence of the original landlord, no such adjudication regarding notices having not been served upon them could be done and the B.L.T. has rightly dismissed the appeal filed by the petitioner.

This Court does not find any illegality with the view taken by the B.L.T. No interference is warranted.

Accordingly, this writ petition is dismissed.

(Sanjeev Prakash Sharma, J)

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