

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6880 of 2015

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Serazul Haque son of late Sabib Raza resident of village Dal Bangara, Police Station Daraunda, District Siwan.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The District Magistrate, Siwan.
3. The Sub Divisional Officer, Maharajganj, District Siwan.
4. The Deputy Collector, Land Reforms, Maharajganj, District Siwan.
5. The Circle Officer, Daraunda Block, Daraunda, District Siwan.
6. Shanti Devi wife of Paras Thakur, resident of village Dal Bangar, Police Station Daraunda, District Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh, Adv.
For the Respondent/s : Mr. Dhurjati Kr. Prasad, GP-14

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 12-07-2023 Counsel for the petitioner and counsel for the State

are present.

2. The petitioner has filed the present writ application directing respondent no. 5 for disturbing the petitioner from the peaceful possession over the land appertaining to Thana No.156, Khata No.566, Survey No.2523 situated at village - Bal Bangara, Police Station- Daraunda, Siwan.

3. Counsel for the petitioner submits that a defective *parcha* has been issued by the Revenue Authority in favour of respondent no.6 for his land. He submits that the entries made in the *parcha* are correct but the surroundings mentioned in it are not correct.

4. Counsel submits that the land on which the petitioner is residing by constructing his house is more than 40 years, which is subject to verification.

5. He submits that for the said land, the proceeding under section 145 of the Code of Criminal Procedure has also instituted. He further submits that he is well aware that the present dispute is guided by Bihar Privileged Persons Homestead Tenancy Rules, 1948 (Notification No. 1642 -IIT-11/48-R, dated 23.02.1948).

6. Counsel for the petitioner submits that under Section 128 of the Bihar Privileged Persons Homestead Tenancy Rules, 1948 (Notification No. 1642 -IIT-11/48-R, dated 23.02.1948), the power to make any conclusion in *parcha* is only passed by the District Collector, before whom petitioner filed a petition which is annexed as Annexure-3 dated 04.04.2015 but till dated no action has taken place on his application/representation.

7. Counsel for the State submits that under section 21 of the Bihar Privileged Persons Homestead Tenancy Rules, 1948 (Notification No. 1642 -IIT-11/48-R, dated 23.02.1948), District Collector is the only competent authority to look into this matter.

8. In the above mentioned facts and circumstances, the only remedy is referred under Section 21 of the Bihar Privileged Persons Homestead Tenancy Rules, 1948 (Notification No. 1642 -IIT-11/48-R, dated 23.02.1948).

9. In the light of direction above petitioner is directed to file his application before the District Collector, Siwan under Section 21 of the Bihar Privileged Persons Homestead Tenancy Rules, 1948 (Notification No. 1642 -IIT-11/48-R, dated 23.02.1948) within four weeks from today.

10. The District Collector, Siwan is directed to do the needful upon hearing both the parties and shall pass a reasoned and speaking order under Section 21 of the Bihar Privileged Persons Homestead Tenancy Rules, 1948 (Notification No. 1642 -IIT-11/48-R, dated 23.02.1948), within 8 weeks thereafter.

11. It is made clear that this Court has not given opinion on the merits or demerits of this case.

12. With the aforesaid direction, this writ petition is hereby disposed off.

(Dr. Anshuman, J.)

Ashishsingh/-

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