

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18775 of 2015

Uday Kumar Ram son of Late Indranand Ram Resident of Village P.O. P.S.-
Mahishi, District- Saharsa.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. Circle Officer Mahishi.
3. Sri Umesh Ram son of Late Baleshwar Ram
4. Rajkumar Ram son of Late Bhagwat Ram both resident of Village P.O. P.S.-
Mahishi, District- Saharsa.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Diwakar Prasad Singh, Adv
For the State : None

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 25-09-2023 Heard learned counsel for the petitioner. However,

counsel for the State is not present.

2. The present writ petition has been filed for directing the District Magistrate, Saharsa to get the forged Parcha appertaining to Khata No. 2786 Plot No. 9093 area 07 Decimal cancelled which is alleged to be issued in the year 1964-65 and rent receipt were issued on the basis of same *Parcha* in the year 2003 whereas the said land belongs to the petitioner as it is his *Raiyati* land.

3. Counsel for the petitioner submits that the private respondents, in connivance with the staff of the Circle Officer have obtained rent receipt and by virtue of it, they are creating disturbance to the petitioner. According to them, they are *Parcha* holder under The Bihar Privileged Persons Homestead



Tenancy Act, 1947 (Bihar Act IV of 1948), (hereinafter referred to as 'the Act of 1948').

4. It has further been submitted by the counsel that no such proceeding under the Act of 1948 has been initiated which can be verified from the records.

5. After going through the pleadings and the records of this case, it transpires that this dispute is covered under Section 40(a) of the Act of 1948 in which the power is vested to the Collector of District to call for and examine the records.

6. In that background, petitioner is directed to file his application before the Collector, Saharsa to file application under Section 21 of the Act of 1948.

7. Upon receiving the application, the Collector, Saharsa is directed to do all the needful as laid down under Section 21 of the Act of 1948 within 60 days from the date of appearance of all the parties and receipt of the records from the lower/subordinate office.

8. With the aforesaid observation and direction, this application is disposed of.

(Dr. Anshuman, J.)

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