

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16661 of 2013

1. Gauri Shankar Sharma Son Of Bal Bhadra Sharma Resident Of Village - Done, Circle and P.S. Darauli, District - Siwan
2. Lalita Devi Wife Of Gauri Shankar Sharma Resident Of Village - Done, Circle and P.S. Darauli, District - Siwan

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Circle Officer, Darauli, District - Siwan
3. Mithai Lal Sharma Son Of Gorakh Sharma Resident Of Station Road, Mainwa, In Front Of Lal Kothi, P.S. Mainwa At Present Village - Done Bujurg, Circle and P.S. Darauli, District - Siwan
4. Tripurari Sharma Son Of Gorakh Sharma Resident Of Station Road, Mainwa, In Front Of Lal Kothi, P.S. Mainwa At Present Village - Done Bujurg, Circle and P.S. Darauli, District - Siwan
5. Lal Bihari Sharma Son Of Gorakh Sharma Resident Of Station Road, Mainwa, In Front Of Lal Kothi, P.S. Mainwa At Present Village - Done Bujurg, Circle and P.S. Darauli, District - Siwan
6. Awadhesh Sharma Son Of Bihari Resident Of Village - Harihans, P.S. Hussainganj, District - Siwan, At Present Village - Done Bujurg, Circle and P.S. Darauli, District - Siwan
7. Triveni Sharma Son Of Bihari Resident Of Village - Harihans, P.S. Hussainganj, District - Siwan, At Present Village - Done Bujurg, Circle and P.S. Darauli, District - Siwan
8. Rama Shankar Son Of Late Saryu Resident Of Village - Done Bujurg, P.O. Done, Circle And P.S. Darauli, District - Siwan
9. Dharam Nath Bhagat Son Of Late Janak Bhagat Resident Of Village - Done Bujurg, P.O. Done, Circle And P.S. Darauli, District - Siwan
10. Ashok Bhagat Son Of Late Janak Bhagat Resident Of Village - Done Bujurg, P.O. Done, Circle And P.S. Darauli, District - Siwan
11. Sanjai Bhagat Son Of Late Janak Bhagat Resident Of Village - Done Bujurg, P.O. Done, Circle And P.S. Darauli, District - Siwan
12. Bada Babu Bhagat Son Of Late Janak Bhagat Resident Of Village - Done Bujurg, P.O. Done, Circle And P.S. Darauli, District - Siwan
13. Ganesh Bhagat Son Of Late Janak Bhagat Resident Of Village - Done Bujurg, P.O. Done, Circle And P.S. Darauli, District - Siwan

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Kaushal Kishore Mishra
For the State	:	Mr. Belaram Kapari, AC to SC-26
For the Respondents	:	Mr. Chandra Kant
		Mr. Ravi Bhushan Bharat



CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

8 23-11-2023 Heard learned counsel for the parties.

2. This writ application has been filed for setting aside the order passed by learned Circle Officer, Darauli, Siwan (Respondent No. 2) dated 26.08.1996 whereby he has settled the land of Khata No. 492, R.S. Plot No. 5276, Area 17 Dhurs in favour of private respondents.

3. It is contended on behalf of the petitioners that the land in question is Khatiyani Raiyati land of the petitioner and without proper adjudication the land in question has been distributed in favour of private respondents. In this writ application petitioners are challenging the order dated 26.08.1996 passed by respondent No. 2 with respect to issuance of Homestead Pura in the name of respondent Nos. 8 to 13 under the provisions of Bihar Privileged Persons Homestead Tenancy Act, 1947 with respect to Khata No. 492, Survey No. 5276, Area measuring 17 Dhurs situated at village Done Anchal Darauli. The dispute pertains to dihi basgit land bearing Khata No. 492, Survey No. 5276, Area measuring 17 Dhur situated at Village Done, Thana No. 132 Anchal Darauli, District Siwan. The petitioners claim their title and possession over the disputed land on the basis of R.S. Khatiyani.

4. On the other hand, counsel for State submits that



the present application is devoid of merit and fit to be dismissed on the ground of delay. This writ application is also not maintainable on the ground that petitioners have got alternate statutory remedy of appeal before the Collector of the District under Section 21 of the Bihar Privileged Persons Homestead Tenancy Act, 1947.

5. In view of the aforesaid submissions made on behalf of the parties, this writ petition is disposed of with liberty to the petitioners to seek alternate statutory remedy of appeal before the Collector of the District under Section 21 of the Bihar Privileged Persons Homestead Tenancy Act, 1947.

6. It goes without saying that if any question of limitation arises before the competent authority, the same shall be considered taking into consideration the fact that the petitioners were pursuing the issue before this Court under Article 226 of the Constitution of India.

7. Writ petition stands disposed of with the aforesaid observation.

(Prabhat Kumar Singh, J)

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