

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14623 of 2018

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1. Kamleshwar Rai @ Kamleshwar Prasad Yadav and Anr son of Late Sukhdev Rai.
 2. Nirmala Devi @ Urmila Devi wife of Sri Kamaleshwar Rai, Both resident of Village- Gawasara, Tola- Bangari, P.O. Aima Bisunpur, Block- Marawan, P.S. Karja, District- Muzzafarpur Bihar.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Divisional Commissioner, Muzaffarpur.
3. District Magistrate cum Collector, Muzaffarpur.
4. Sub- Divisional Officer, West Muzaffarpur.
5. Deputy Collector Land Reforms, West Muzaffarpur.
6. Circle Officer Cnchaladhikari Anchaladhikari, Anchal- Marwan, Block- Marwan, District- Muzaffarpur
7. Lal Babu Rai.
8. Newa Lal Rai son of Late Baldev Rai Respondent no. 7 and 8 are resident of Village- Gawasara Tola- Bangari, P.O. Aiyama Bisunpur, P.S. Karaja, District- Muzaffarpur.
9. Superintendent of Police, Muzaffarpur.
10. Station House Officer, Police Station Karaja, District- Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Pancham Lal Jaiswal, Advocate
For the Respondent/s : Ms. Nutan Sahay, AC to AAG 12

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 15-02-2023 Petitioner has filed the instant application praying
for the following relief(s) :-

*“(i) To direct the respondent No. 6
Anchaladhikari to issue Basgit Parcha in favour of
the petitioner as the petitioner No. 2 Nirmala Devi
@ Urmila Devi is the allottee of the Plot in
question under Indira Awas as Nirmala Devi @*



Urmila Devi is valid and legally allottee of the plot under Indira Awas by Government of Bihar under Khata No. 400, Plot No. 607, area 0.05 decimals at village- Gawasara, Anchal- Marawan, P.S. Karaja, District- Muzaffarpur.

ii. For commanding the respondent to restore the possession of the petitioner by constructing the JHOPARI/hutment at the cost of Respondent themselves since the petitioners are very poor having no adequate livelihood/resources.

iii. For commanding the respondent no. 6 Circle officer specially be awarded exemplary cost to be paid to the petitioners for their (petitioners) harassment and litigation.

iv. For any other relief or relieves as the petitioners found entitled in the eye of law be extended to the petitioners.”

Having heard learned counsel for the parties, the Court is of the opinion that the matter in issue in the instant application which arises out of the Bihar Privileged Persons Homestead Tenancy Act, 1947 can be looked into by the tribunal constituted under the Bihar Land Tribunal Act, 2009.

Having heard learned counsel for the parties and having perused the material on record, the instant application is disposed of with liberty to the petitioner to move before the tribunal under the aforesaid Act for the relief prayed for in the



instant application.

(Partha Sarthy, J)

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