

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.805 of 2023

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Ashish Kumar S/o Late Dr. Surya Dev Narayan Yadav, Resident of Mohalla-Andar Town Station Road, Samastipur, Ward No.- 20 P.S.- Samastipur Town Distt.- Samastipur, Presently at Railway Hospital Colony Jhumari Telaiya P.S.- Jhumari Telaiya, Disst.- Koderma Jharkhand.

... .. Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary Govt. of Bihar Patna.
2. The Dist. Magistrate, Samastipur.
3. The Circle Officer, Ujiarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Mukesh Kumar No.1
For the Respondent/s	:	Mr. Manoj Kumar Sinha, AC to SC-19
	:	Mr. Rishi Raj Sinha, (SC-19)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 20-07-2023 Heard learned counsel for the petitioner and learned counsel for the State.

2. The present writ petition has been filed for directing the respondents to pass appropriate order considering the representation dated 12.03.2021 with respect to the *parcha* issued by the Circle Officer of the land bearing Khata No. 1667, Khesara No.- 5902 which is pending before the Respondent No.-2.

3. Counsel for the petitioner submits that petitioner is the *raiyat* of Khata No. 1667, Khesera No.- 5902 which he has purchased by virtue of sale deed dated 07.02.1940 in the name of his grandfather and since then, they are coming in the

possession of this land. Counsel submits that in the revenue records, after the name of his grandfather, the name of petitioner's mother is there.

4. Counsel further submits that the said parcha if any, has been issued, is absolutely illegal and in gross violation of natural justice. Counsel submits that vide Annexure-1, under the Right to Information, he has demanded information in which the report has come that due to destruction of office, records are not available.

5. Counsel for the State submits that the copy of *Basgit Parcha* under the Bihar Privileged Persons Homestead Tenancy Act, 1947 (Bihar Act IV of 1948) has been issued which is Annexure-A to the counter-affidavit. Counsel submits that in the records, the name of *Parchadhari* is going on and he has annexed Annexure- C in which it is stated that since last 13 years, land owners have not raised any objection. In response, thereof, counsel for the petitioner submits that since, there is no notice issued then, there was no occasion for him to raise any objection.

6. Upon going through the pleadings and hearing the parties, this Court is hereby directing to the petitioner that he shall filed application under Section 21 of the Bihar Privileged

Persons Homestead Tenancy Act, 1947 (Bihar Act IV of 1948) before the Collector, Samastipur raising all his grievances including that at the time of granting *parcha*, the complete violation of natural justice has been made and no opportunity was granted to him. In addition to that, he shall also show the documents and other evidences before the Collector, Samastipur and the Collector, Samastipur after hearing both the parties, shall pass order in this matter within 8 weeks from the date of filing his application.

7. With the aforesaid direction, the present writ application is hereby disposed of.

(Dr. Anshuman, J.)

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