

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11978 of 2023

1. Husna Begum widow of Late Md. Jafar Ansari, R/o Village Rauta, P.S. Rauta, District Purnea, Bihar.
2. Bablu Ansari @ Jamil Ansari @ Md. Jamil Akhtar Ansari, S/o Late Jafar Ansari, R/o Village Rauta, P.S. Rauta, District - Purnea, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector Purnea.
2. The Collector, Purnea.
3. The Anchal Adhikari, Anchal - Baisi, District - Purnea.
4. Md. Abdul Kalam Ansari, S/o Late Sadruddin, R/o Village - Rauta, P.S. Rauta, District - Purnea, Bihar.
5. Jamila Khatoon, D/o Late Imdad Ali and W/o Md. Jabbar Ansari, residing at Madhepura, ward no. - 8, near Chhoti Masjid, P.S. Madhepura, District - Madhepura, Bihar.
6. Jaigun Nisha, D/o Late Imdad Ali and W/o Md. Samid Ansari, residing at Rahika Tola, Rauta, P.S. Rauta, District Purnea, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Suraj Narayan Yadav, Advocate
For the Respondent/s	:	Mr. Rishi Raj Sinha (SC-19)
		Mr. Manoj Kumar Sinha, AC to SC-19
For private Respondents	:	Mr. Rabindra Kumar Priyadarshi, Advocate
		Mr. Manoj Priyadarshi, Advocate
		Mr. Wasim Ahmad Khan, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 07-05-2024 Heard Mr. Suraj Narayan Yadav, learned counsel for the petitioners as also Mr. Rabindra Kumar Priyadarshi, learned counsel for the respondent nos. 4 to 6 and the State.

2. The present petition has been preferred for the



following reliefs:

(i) for issuance of an appropriate writ and/or writs in the nature of Certiorari to quash the impugned judgment dated 30.06.2023 passed by Sri. Ravindra Patwari Member (Judicial) The Bihar Land Tribunal, Patna in BLT Case No. 510 of 2022 Md. Abdul Kalam Ansari & Ors. Versus The State of Bihar & Ors. whereby the order dated 25.03.2022 passed by learned Collector Purnea in Revenue Revision Case No. 166 of 2016 and order dated 15.01.2013 passed by the Circle Officer in Basgit Case No. 26 of 2012-13 were set aside and the matter is remitted back to the C Circle Officer Baisq (Purnea) to reopen the case and to decide the matter afresh in accordance with the provisions as contained in Bihar Privileged Persons Homestead Tenancy Act, 1947;

(ii) for a direction upon the official respondents to protect the petitioner from ejection from the homestead in occupation of the petitioner on the basis of the impugned order;

(iii) for stay of the operation of the impugned judgment till the disposal of the writ petition.

3. The petitioners have challenged the order of the Bihar Land Tribunal dated 30.06.2023 in BLT Case No. 510 of



2022 by which considering the facts and circumstance, the following order was passed:

“In view of discussions aforesaid, this Tribunal concludes that both the orders i.e. passed by Circle Officer as also Id. Collector, Purnea are manifestly wrong and erroneous as such, they are not sustainable in law at all. Hence, they are hereby set aside and the matter is remitted back to the Circle Officer, Baisi, Purnea to reopen the case and to decide the matter afresh in accordance of the provisions of the Act, 1947 and the Rules made there-under and also keeping in mind observations hereinabove. This case is thus allowed. Office is directed to send the copy of this order to the Circle Officer concerned for information and needful action in the matter.”

4. Though learned counsel for the petitioners tried to impress upon the Court regarding the correctness of the order, a perusal of the order would show that the petitioners already have opportunity to convince the Circle Officer concerned so that he can take a decision.

5. In that background, the learned Counsel submits that the petitioners shall be approaching the concerned respondent no. 3, the Circle Officer, Baisa, Purnea in line with



the observation made by the BLT.

6. The writ petition stands disposed of with the
aforesaid liberty.

(Rajiv Roy, J)

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