

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15303 of 2018

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Md. Yusuf son of Sabu Baksh resident of Village - Urlaha, Tola - Dhapa,
Police Station - Palasi, District Araria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector-cum-District Magistrate, Araria.
2. The Anchal Adhikari, Palasi, District Araria.
3. Md. Muddin son of Lae Jainuddin resident of Village - Urlaha, Tola - Dhapa,
Police Station - Palasi, District Araria.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Uday Bhanu Roy, Advocate Mr. Baleshwar Kamat, Advocate
For the State	:	Mr. Raj Kishore Roy -GP-18
For the Respondent No. 3	:	Mr. Shashi Nath Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 21-07-2025

Heard learned counsel for the petitioner, learned
counsel for the State and learned counsel for the private
respondent No. 3 are present.

2. The present writ petition has been filed for
quashing the order dated 07.09.2016 passed by the Chairman,
Bihar Land Tribunal, Patna in B.L.T. Case No. 855 of 2015,
whereby and whereunder the order dated 30.07.2010 passed by
the Collector-cum-District Magistrate in Revision Case No. 186
of 2005-06, as well as the order dated 02.04.2004 passed by the
Anchal Adhikari, Palasi granting Basgit Parcha to the petitioner
under the Bihar Privileged Persons Homestead Tenancy Act, has



been cancelled to the extent of 1½ decimal land of Khata No. 66, Plot No. 301 of village Urlaha.

3. Learned counsel for the petitioner submits that the order passed by the learned Tribunal is absolutely illegal and requires interference. He further submits that the finding of the Bihar Land Tribunal is that Rule 5 of the Bihar Privileged Persons Homestead Tenancy Act has been violated by the officials. Counsel also submits that the petitioner is a poor person and is not aware of the rules laid down under the law, and therefore, according to him, the matter be remanded back despite the fact that the matter may be closed.

4. Learned counsel for the State submits that there is no need for any interference in the order, as the learned Tribunal has passed the order completely in accordance with law.

5. Learned counsel for the private respondent No. 3 submits that the learned Bihar Land Tribunal, after due consideration, has passed the order. He further submits that liberty has been granted to the petitioner to appear before the Bihar Land Tribunal, but he has intentionally not availed himself of that opportunity. Counsel also submits that there is no need for any interference as the order is well reasoned.



6. After hearing the parties and upon a bare perusal of the judgment passed by the Bihar Land Tribunal, Patna in BLT Case No. 855 of 2015, particularly paragraph 6 of the said judgment, it appears to this Court that Rule 5 of the Bihar Privileged Persons Homestead Tenancy Act has been referred to in the said paragraph, however, this is incorrect. It is, in fact, Rule 5 of the Bihar Privileged Persons Homestead Tenancy Rules, 1948, which states as follows:-

“5. (1) The Collector shall either himself make local enquiry or have such inquiry made by any responsible officer not below the rank of a Circle Inspector or Welfare Inspector and satisfy himself as to the correctness or otherwise of the contents of such applications.

(2) The enquiring officer shall issue a notice in Form F to all the interested parties intimating the date on which the inquiry shall be made and directing parties to produce all the evidence in their possession in support of or against the application.

(3) The enquiring officer shall make a record of the evidence produced before him and, if he is not the Collector, submit his report to the Collector.

(4) The Collector shall after



hearing the parties on all points arising out of the application pass such order as to him seems to be just and proper.

(5) The Collector shall prepare a record of homestead held by privileged tenant in Form G. The main record shall be maintained in the office of the Collector and a copy of the record bearing the signature and seal of the Collector shall be made over to the landlord and the privileged tenant.”

7. From a bare perusal of Rule 5 of the Bihar Privileged Persons Homestead Tenancy Rules, 1948, it is very clear that this Rule is mandatory, and prior to the issuance of Basgit Parcha, Rule 5 must be followed.

8. In this view of the matter, this Court is of the firm opinion that the finding of the Bihar Land Tribunal is absolutely in accordance with law and requires no interference.

9. Accordingly, the present writ petition stands dismissed.

(Dr. Anshuman, J.)

Aman Kumar/-

AFR/NAFR	NA
CAV DATE	NA
Uploading Date	22.07.2025
Transmission Date	NA

