

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3169 of 2017

=====

Firangi Mahto Son of Late Pakhraj Mahto, Resident of Village - Singhiya,
P.O. and P.S. - Banjaria, District- East Champaran, At present Address -
Village and P.O. Rupdih, P.S. - Mufassil Motihari, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Collector, East Champaran at Motihari.
3. The Additional District Magistrate, East Champaran at Motihari.
4. The Deputy Collector of Land Reforms, East Champaran at Motihari.
5. The Circle Officer, East Champaran at Motihari.
6. Bhagirath Mahto @ Yado Lal Mahto Son of Late Jagdish Mahto, Resident of Village and Post Rupdih, P.S. Mufassil Motihari, District- East Champaran.
7. Raj Kishore Mahto Son of Late Jagdish Mahto, Resident of Village and Post Rupdih, P.S. Mufassil Motihari, District- East Champaran.
8. Most Devrati Devi Wife of Late Ram Lal Mahto, Resident of Village and Post Rupdih, P.S. Mufassil Motihari, District- East Champaran.
9. Mani Kumar, Son Late Ram Lal Mahto, Resident of Village and Post Rupdih, P.S. Mufassil Motihari, District- East Champaran.
10. Rachna Kumari D/o Late Ram Lal Mahto, Resident of Village and Post Rupdih, P.S. Mufassil Motihari, District- East Champaran.
11. Ashok Kumar Son of Late Ram Lal Mahto, Resident of Village and Post Rupdih, P.S. Mufassil Motihari, District- East Champaran.
12. Awnish Kumar Son of Late Ram Lal Mahto, Resident of Village and Post Rupdih, P.S. Mufassil Motihari, District- East Champaran.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr.Ajay Kumar Singh
For the State		Mr. Atul Shankar, AC to SC 19
For the private respondents		Mr. Prashant Sinha

=====

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

CAV ORDER

5 15-02-2025 I have already heard the learned counsel for the

petitioner, learned counsel for the State as well as the learned

counsel for the private respondents.



2. This writ application has been filed for following relief:-

“(i) To quash the order dated 20-8-2016 passed by the Hon'ble Bihar Land Tribunal at Patna in B.L.T.Case No. 676 of 2015 whereby and whereunder the case of the petitioner was dismissed without interpreting the order against the order dated 4-1-2013 passed by the learned Collector, East Champaran at Motihari in Revenue Appeal No. 15 of 2000-01 whereby the order of learned Circle Officer dated 1-11-1996 in Basgit Parcha case No. 2 of 1996-97 properly recommendation for issuance of Basgit parcha in favour of the petitioner was cancelled without taking proper facts as well as proper prospective whereas the issuance of Basgit Parcha to the petitioner was/is legal and valid.

ii) To quash the order dated 4-1-2013 passed by the Collector, East Champaran at Motihari in Revenue Appeal No. 15 of 2000-01 by which issuance of Basgit Parcha to petitioner by learned Circle Officer (respondent no.4) was cancelled, based on Surmised and assumption that the petitioner had own homestead land as well as settlement with respect to 27 decimal Gairmajarua Malik land in 1970-71 of



Khesra no.986 of Khata no. 108 without considering the prospective of fact as well as law that the petitioner is privileged person has not any homestead besides the homestead for which Basgit Parcha had been issued where petitioner is residing by making College since more then 50 years as privileged tenant, is prejudicial to the petitioner.

(iii) To restore the issuance of Basgit parcha by the learned Circle Officer Motihari on 1-11-1996 in basgit parcha case no. 1996-978 as accordance with law.”

3. The petitioner's case in brief is that claiming himself to be a landless person, he applied for *Basgit Parcha* of 5 decimal land appertaining to khata no. 59, plot no. 480 situated in village Rupdih, P.S. Muffasil, District East Champaran, Motihari with an avernment that he was already in possession of the above-noted land. On his application, *Basgit Parcha* Case No. 2 of 1996-97 was initiated by the Circle Officer, East Champaran at Motihari and after issuing notice to the land holder, Jagdish Mahto inviting objection, *Parcha* was granted in favour of the petitioner on 01.11.1996 by the Circle Officer. Private respondent nos. 6 to 12 are lineal descendants of late Jagdish Mahto. The lineal descendants of late Jagdish



Mahto filed Revenue Appeal No.15 Of 2000-01 stating that the *Parcha* was issued stealthily and after forged and fabricated service of notice upon the land-holder late Jagdish Mahto. As per averments of the respondents, late Jagdish Mahto had already died in the year 1983.

4. During inquiry, it came to light that the petitioner is not a landless person since he owns more than 1 acre of land and accordingly, he does not come under the definition of privileged person. During inquiry, it also came to light that already the petitioner was granted a *Basgit Parcha* of another *Gairmajrua* land and on this score also, he is not entitled for grant of *Basgit Parcha*. It also came to light that concealing these facts, the petitioner became successful in obtaining *Basgit Parcha*. It was the reason that the appellate authority as well as Bihar Land Tribunal, Patna cancelled the *Basgit Parcha* granted in favour of the petitioner.

5. The learned counsel for the petitioner has submitted that even if the Collector was of the opinion that the *Basgit Parcha* was granted in favour of the petitioner after concealing some materials facts, the Collector should have remanded the case under Section 21 of the Bihar Privileged Persons Homestead Tenancy Act.



6. In my view, the submission of the learned counsel for the petitioner is not acceptable for the reasons that the granting of the *Basgit Parcha* is itself *ab initio* void, as the petitioner does not come under the definition of the privileged person and he does not possess even the requisite qualifications for grant of *Basgit Parcha*.

7. I do not see illegality in the order of the Learned Member Bihar Land Tribunal dated 20.08.2016 passed in B.L.T. Case No. 676 of 2015.

8. Accordingly, the writ application stands dismissed.

(Nawneet Kumar Pandey, J)

HR/-

U			
---	--	--	--

