

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.635 of 2017

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1. Pramila Devi and Ors wife of Ganesh Mandal,
 2. Prabha @ Prema Devi, wife of Dinesh Mandal,
 3. Ranjit Mandal, son of Late Upendra Mandal, All are resident of village - Narayanchak, P.O. - Jamdaha, Police Station - Katoria, District - Banka.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Collector, Banka.
3. The Sub Divisional Officer, Banka.
4. The Land Reforms Deputy Collector, Banka.
5. The Circle Officer, Katoria, District - Banka.
6. Parwej Ali, son of Late Raja Ali,
7. Parween Begum, wife of Late Haidar Ali, Both resident of village - Gopalganj - Jamdaha, Police Station - Katoria, District - Banka.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Rajib Ranjan Jha
For the Respondent/s : Mr.Rishi Raj Sinha-Sc19

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

6 18-02-2025 Heard the parties.

2. The present writ application has been filed by the
petitioners for the following relief:-

"For setting aside the Basgit Parcha issued to the Respondent No. 6 and 7 without their proper address in Case No. 50/1999-2000 (Record not available) by the Respondent No. 5 of the raiyati land of the petitioners without any notice to them and further issuance of an appropriate direction to the Respondent No. 5 in pursuance of the order dated 10.01.2015 passed in Case No. 302 of 2004-05 by the Respondent No. 4, whereby and where under he was directed the Respondent No. 5 to make proper inquiry



with regard to Basgit Parcha issued to Respondent No. 6 and 7 and for needful action and or issuance of consequential writ or writs under the facts and circumstances of the case as no record of Basgit Parcha issued in Case No. 50/99-2000 is available inspite of filing of second appeal before the Respondent no. 3".

3. The petitioners claim that *Basgit Parcha* of their *raiya* land was granted by the concerned Circle Officer to respondent nos. 6 and 7 without giving proper opportunity of hearing to the petitioners. No notice was served upon them before granting *Basgit Parcha* to respondent nos. 6 and 7 in Case No. 50/1999-2000. The petitioners approached DCLR for redressal of their grievances under the provisions of Bihar Land Dispute Resolution Act, 2009. At the instance of the petitioners, Case No. 302 of 2014-2015 was initiated and vide order dated 10.01.2015, the DCLR directed the Circle Officer to inquire into the matter and to take appropriate steps. At the same time, the DCLR also observed that the petitioners, if so desired, may approach the competent court against issuance of *Basgit Parcha*.

4. Learned counsel for the petitioners has submitted that despite the specific order of DCLR, Banka, no order was passed by the concerned Circle Officer.

5. Operative portion of the order of DCLR shows that



he directed the concerned Circle Officer to take appropriate steps and to inquire into the matter and at the same time, he also directed the petitioners to raise their grievance(s) before the competent court.

6. The petitioners, if so advised, may take recourse to alternative remedy, provided under Section 21 of Bihar Privileged Persons Homestead Tenancy Act, 1947.

7. With the aforesaid observation/direction, this writ applications stands disposed of.

(Nawneet Kumar Pandey, J)

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