

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5227 of 2022

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Revati Raman Das Son of Late Chandradeo Lal Das, Resident of Village -
Balaur, P.S. - Manigachi, District - Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, Darbhanga.
3. D.C.L.R, Darbhanga Sadar, District - Darbhanga.
4. Circle Officer, Circle Office Manigachi, P.S. - Manigachi, District - Darbhanga.
5. Ajay Mandal, Son of Late Ganeshi Mandal, Resident of Village - Balaur, P.S. - Manigachi, District - Darbhanga.
6. Govind Mandal, Son of Late Ganeshi Mandal, Resident of Village - Balaur, P.S. - Manigachi, District - Darbhanga.
7. Gopal Mandal, Son of Late Ganeshi Mandal, Resident of Village - Balaur, P.S. - Manigachi, District - Darbhanga.
8. Yogendra Mandal, Son of Late Buchai Mandal, Resident of Village - Balaur, P.S. - Manigachi, District - Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dinesh Choudhary, Adv.
For the Respondent/s : Mr. Rishi Raj Sinha (SC-19)

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 28-04-2025 In the instant petition, the petitioner has prayed for
following reliefs:-

“For issuance of an appropriate writ/order/direction for quashing the Purcha issued to grandfather of the Respondent no. 5, 6 and 7 namely Buchai Mandal under the Bihar Privileged Persons Homestead Tenancy Act (in short, the Act) obtained by the grandfather of Respondent no. 5, 6 and 7 by playing fraud, contained in Annexure-1.”



2. Learned counsel for the petitioner submits that the land appertaining to Thana no.185, Khata No.1169, New Khesra No.3370 (Old 2078) area 2 Katha, 10 Dhur, 12 ½ Kanma, Mauza Raje was given by Late Thakan Lal Das, the maternal grandfather (Nana) of the petitioner to his daughter Shanti Devi by registered deed no.7856 dated 07.05.1980. He further submits that *Purcha* has been issued against the petitioner's land which shows that the *Purcha* was issued in the year 1971-72, as contained in Annexure-1 of the writ petition.

Learned counsel further submits that purcha issued to grandfather of the respondent nos. 5, 6 & 7 have been obtained by playing fraud. The petitioner represented his grievance before the Circle Officer, Manigachi (respondent no. 4) as well as District Magistrate, Darbhanga (respondent no. 2) regarding issuance of *Purcha* in favour of the petitioner for which *Purcha* was earlier issued as the petitioner is the *bona fide* owner of the land in question which is Khatayani land of the petitioner, as is evident from the Land Revenue Receipt contained in Annexure-4 of the writ petition. He further submits that the only grievance of the petitioner is that he has already represented before the District Magistrate, Darbhanga (respondent no. 2), who is custodian of the record, in the light of Rule 5 of the *Bihar*



Privileged Persons Homestead Tenancy Act, but the same has not been considered and his grievance is still pending.

3. Learned counsel for the State submits that counter affidavit has been filed on behalf of Respondent no.4 in which it has been mentioned that the petitioner has not filed any petition before the District Magistrate, Darbhanga and he has directly approached this Court for complying the Section 21 of the *Bihar Privileged Persons Homestead Tenancy Act*, which is not in accordance with law. Learned counsel, however, submits that in case the petitioner files a fresh representation before the competent authority, the same shall be looked into.

4. Considering the facts and circumstances of the case and the arguments advanced on behalf of the parties, the present writ petition is disposed of with liberty to the petitioner to file fresh representation before the District Magistrate, Darbhanga (respondent no. 2) raising all his grievances, which have been raised in the present writ petition, within a period of four weeks from the date of receipt of the order. In case, such representation is filed, the District Magistrate, Darbhanga is directed to consider and pass appropriate order on the representation of the petitioner in accordance with law expeditiously, preferably, within a period of four months from the date of representation,



after giving due opportunity of hearing to the parties concerned.

(Alok Kumar Pandey, J)

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