

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17436 of 2021

Ashok Kumar Singh son of Late Janardan Prasad Singh resident of Village Shambhupatti, P.S.- Samastipur, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. District Magistrate cum Collector, Samastipur.
3. Circle Officer, Samastipur.
4. Shambhu Sah son of Late Ramashis Sah resident of Village and P.O. Shambhupatti, P.S. Samastipur District Samastipur.
5. Shankar Sah son of Late Ramashis Sah resident of Village and P.O. Shambhupatti, P.S. Samastipur District Samastipur.
6. Sangita Devi wife of Late Dinesh Pal resident of Village Hardaspur, P.O. Raslpur, P.S. Rasalpur District Samastipur.
7. Gaytari Devi wife of Late Umesh Pal resident of Village Hardaspur, P.O. Raslpur, P.S. Rasalpur District Samastipur.
8. Lal Babu Pal @ Guddu Pal son of Late Ravindra Pal resident of Village Hardaspur, P.O. Raslpur, P.S. Rasalpur District Samastipur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Bharat Bhushan, Adv.
For the Respondent/s : Mr. Raj Kishore Roy (GP-18)

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 25-09-2025 The instant writ petition has been filed by the petitioner under Article 226 of the Constitution of India, invoking writ jurisdiction of this Court, which read as under :-

“That, this is an application for issuance of appropriate writ/orders/ direction in the nature of writ of mandamus directing the respondents to conclude the proceeding of Miscellaneous Case no. 01/2004-2005 within a stipulated time which is pending before Circle Officer, Samastipur in which the petitioner prayed for cancellation of Basgit



Parcha issued in favour of Ramashis sah and Ravindra Pal Vide case no 10/74-75 and 05/74-75 respectively (Annexure- 2&3) for the area of 4 decimal. On the basis of aforesaid parcha the respondents claimed the said area of the land in the land of Hemlata Devi (mother of petitioner), who purchased the land in question by sale deed no 2609 dated 03.03.1986 in Mouza Balbhadrapur appertaining to old Khata no 33 Khesra no 461 and bearing new Khata no 52 and 963 Khesra no 952,954,956 & 963 comprising of an area 6 Kathas, although as per order dated 30.03.1989 passed by the then Circle Officer, Samastipur bearing case no 37/87-88 (contained herein as Annexure-4) as well as order of Additional Collector, samastipur, dated 07.05.2000 passed in Miscellaneous Basgit Parcha Case No.154/99-2000 (contained herein as Annexure-6) both the authority under their proceeding found that Basgit Parchal is suspicious and defective as such it is liable to be cancelled by the Collector Samastipur as per provision of Bihar Privilege Person Homestead Tenancy Act 1947 (herein after referred as BPPHT Act) and thereafter case was transfer to the Collector Samastipur for final adjudication where Misc. Case no 418/2000 was instituted and then after hearing of parties case was remitted back to the Circle Officer, Samastipur by order dated 31.01.2005 (Annexure-7). Hence petitioner is running from pillar to post and starving to meet the ends of justice.

It may be further held that the private respondents are not entitled to hold the land in question as a privileged person on the basis of said illegal document.”



2. Mr. Bharat Bhushan, learned counsel for the petitioner and Mr. Raj Kishore Roy, learned GP-18 for the State-respondents, are present and they are heard.

3. The main grievance raised by the petitioner in this petition is that the Miscellaneous Case No. 01/2004-05 has not been decided by the Circle Officer, Samastipur (respondent No. 3), which has been running for the last 20 years, in which the petitioner has challenged a particular Basgit Parcha on some grounds.

4. During the course of argument, learned GP-18 appearing for the State-respondents has accepted that the said case (Misc. Case No. 01/2004-05) is pending, though he has referred to several steps having been taken by the Circle Officer, Samastipur (respondent No. 3), in the said miscellaneous case, giving thereof details in the counter affidavit.

5. In view of above stated facts, one thing is quite clear that the Misc. Case No. 01/2004-05, in which the petitioner is one of the parties, is still pending and the same has been running since 2004-05, which is a very surprising fact. Considering this fact, the Circle Officer, Samastipur (respondent No. 3), is hereby directed to decide the Misc. Case No. 01/2004-05, in the next four months from the date of receipt of a copy of



this Court’s order or upon production of the same, by completing the necessary enquiry, for which a specific direction has already been given to him by the District Magistrate cum Collector, Samastipur (respondent No. 2). Thereafter, the District Magistrate cum Collector, Samastipur (respondent No. 2) will decide the Misc. Case No. 418 of 2000 at the earliest, if the same is pending, preferably within six months from date of receiving of the inquiry report from the Circle Officer, Samastipur (respondent No. 3).

6. Accordingly, with the above direction, the instant writ petition stands disposed of.

(Shailendra Singh, J)

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