

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15170 of 2025

Chandan Kumar, Son of Awadhesh Kishore Pandit, Resident of Village Gorgawan, PS Kundwa Chainpur, District East Champaran, Motihari.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Revenue and Land Reforms, Department, Bihar, Patna.
2. The Collector-cum-District Magistrate, East Champaran, Motihari.
3. The Sub-Divisional Officer, Sikrahana, East Champaran.
4. The Circle Officer, Daka, East Champaran.
5. Hari Nandan Patel, Son of Dwarika Patel, Resident of Village Gorgawan, P.S. Kundwa Chainpur, District East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Uma Shankar Verma, Adv. Ms. Kumari Anjali, Adv.
For the Respondent/s	:	Mr. Vishawambhar Prasad, AC to AAG-5

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 25-09-2025 The instant writ application has been filed under Article 226 of the Constitution of India by the petitioner seeking the following relief(s):

"1. That this is an application for issuance of an appropriate writ, order or direction or a writ of certiorari for quashing and setting aside the order dated 10-12-2000 passed by the Circle Officer, Dhaka, East Champaran in P. P .Purcha Record No. 06/2000-2001 whereby and whereunder Basgit Purcha has been issued under section 4(5) of Privilege persons Home Tenancy Act 1947 with regard to the land bearing Khata No. 26, Plot No. 832, Area 06 decimal situated at Mauza Gorgawan P.S.-Kundwa Chainpur, East Champaran in favour of



Samundri Kuar mother of Respondent no. 5 on the ground of Landless lady belonging from backward class and has been residing at the said land for last fifty years, after constructing the house, without following the Rules under the Act and any verification.

(i) For issuance of an order, direction or a writ of mandamus directing the respondents to make the land free from the encroachment which Gairmajarua Malik and the only Aam Rasta for several people of the Mohalla (which is encroached by the Respondent No.5).

(ii) For any other relief/s for which the petitioner is entitled in the facts and circumstances of the case."

2. Mr. Uma Shankar Verma, learned counsel appearing for the petitioner and Mr.Vishawambhar Prasad, learned counsel appearing for the State-respondents are present and they are heard.

3. The main grievance of the petitioner is that the order dated 01.12.2000 which was passed by the Circle Officer, Dhaka, East Champaran in P.P. Purcha Record No. 06 of 2000-2001 is completely illegal as a Basgit Purcha was issued in favour of one Samundri Kuar who happens to be the mother of respondent no. 5, on the ground of her being landless lady as well as belonging from backward class but that Purcha was issued without following rules and the provisions of Bihar Privileged Persons Homestead Tenancy Act.



4. Since the issue raised by the petitioner relates to an order which was passed long back in the year 2000 and the petitioner has not explained the long delay in challenging the same and furthermore the petitioner has an efficacious alternative remedy for redressal of his grievance under appropriate law, which ought to have been availed by him. Therefore, at this stage, this court is not persuaded to invoke its writ jurisdiction to decide the issue raised by the petitioner.

5. Accordingly, the instant writ petition stands disposed of, with giving a liberty to the petitioner to raise his issue before the competent authority in accordance with law.

(Shailendra Singh, J)

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