

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5930 of 2022

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1. Dinesh Kumar Gupta Son of Sri Raghunath Prasad Gupta, resident of Jainagar Towan ward no. - 01, Bhelwa Tola, P.S. and Anchal - Jainagar, District - Madhubani.
 2. Mohd. Sharif Ansari Son of Late Kamruddin Ansari resident of ward no. - 8, Near Masjid Village- Sirahi, P.O.- Chhatauni P.S. - Basopatti, Distt. - Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector, Madhubani.
2. The Bihar Land Tribunal ,Patna through its Registrar, Off Polo Road, Patna.
3. The Collector of the District (District Magistrate) Madhubani.
4. The Sub-Divisional Officer (S.D.O.) Jainagar, Madhubani.
5. The Circle Officer, Jainagar, Madhubani.
6. Sadara Khatoon Wife of Mohd. Safiq Mian, water ways chowk, Jainagar ward no. - 12 P.S. and Anchal -Jainagar, District- Madhubani- 847226.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Shashi Nath Jha, Advocate
For the Respondent/s : Mr. Md. Khurshid Alam (AAG 12)

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

5 26-03-2026 Heard learned counsel for the petitioners and learned

AC to AAG-12. However, no one appears on behalf of the

private respondent no. 6.

2. The present writ application has been filed for grant

of the following relief(s):-

*“(i) Directing the respondents 1st party to protect
the right, interest and possession of the petitioners over the
lands in question as the respondent 2nd party is forcefully
trying to dispossess the petitioners from the lands in question
on the basis of a fraud and fabricated Basgit parcha (Annx-
1).*



(ii) Holding and declaring that the so-called Basgit parcha (Annx-1), issued in favour of the Respondent 2nd party in the alleged Basgit Parcha Case No. 19 of 2004-05 is illegal, void, without jurisdiction and nullity in the eyes of law, as no record is available in the government record with respect to the said Parcha.

(iii) Directing, alternatively, the Respondent no.3 (Collector) to dispose of the pending revision application (Md. Sharif Ansari & another Vs. The state of Bihar & another) as contained in Annx.-8 hereto, at the earliest, as the same has been filed by the present petitioners in the year Nov.2018 itself under section 21 of Bihar Privileged persons Homestead Tenancy Act, 1947 (herein after referred to as B.P.P.H.T. Act) against the issuance of the so-called Basgit Parcha (Annx-1) in favour of the Respondent 2nd party.

(iv) Holding and declaring that the Respondent 2nd party is not the privileged person under the Bihar Privileged Persons Homestead Tenancy Act, 1947, and the so-called Basgit parcha (Annx-1) as claimed by her, is apparently collusive, illegal, arbitrary and contrary to the scope and provisions laid down under B.P.P.H.T. Act.

(v) Restraining the respondents from dispossessing the petitioners from the lands in question and/or from taking any step which would ultimately cause prejudice to the rights, title. interests and possession of the petitioners over the lands in question.

(vi) Holding and declaring that the Learned Chairman, Bihar Land Tribunal, Patna ought to have interfered into the matter and ought to have quashed the so-called Basgit Parcha (Annx-1), which is said to have been issued in favour of the Respondent 2 nd party.”

3. Learned counsel for the petitioners submits that the petitioners are aggrieved by the fact that peaceful possession of



the petitioners over the land is being disturbed as the petitioners are being dispossessed forcefully from the said land on the basis of fabricated Basgit Parcha and it has been submitted that the petitioners have preferred a revision application before the respondent no. 3 i.e. the Collector, Madhubani in the year 2018 bearing Case No. 309 of 2018-19. However, till date the same is pending and no order has been passed by the Collector, Madhubani while respondent no. 6, the so called Paracha Holder is creating disturbances on the peaceful possession over the land in question.

4. Learned AC to AAG 12 submits that since the revision application is already pending, the case may be disposed of with a direction to the respondent no. 3, the Collector, Madhubani to hear the revision application preferred by the petitioners and the points being raised by the petitioners in the present writ application shall be considered by him.

5. In view of the aforesaid submissions of the parties, this Court thinks it appropriate that the present writ application be disposed of with a direction to the respondent no. 3, Collector, Madhubani to hear the pending revision application bearing Application No. 309 of 2018-19 in the presence of the parties including the petitioners and the private respondent no. 6 and the grievances being raised in the present writ application shall also be



redressed by the Collector, Madhubani.

6. Accordingly, the writ application stands disposed of with the liberty to the petitioners to file entire facts once again through a supplementary affidavit and the Collector, Madhubani is directed to hear and decide the revision application preferred by the petitioners within a period of three months from the receipt/ production of a copy of this order.

(Sourendra Pandey, J)

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