
(2015) 07 PAT CK 0147
In the Patna High Court
Case No : CWJC No. 71 of 2012

Bishwanath Das and Others		APPELLANT
	Vs	
The State of Bihar and Others		RESPONDENT

Date of Decision : 23-07-2015

Acts Referred:

Bihar Privileged Persons Homestead Tenancy Act, 1947 — Section 21

Citation : (2015) 4 PLJR 869

Hon'ble Judges : Jyoti Saran, J.

Bench : Single Bench

Advocate : Bhubneshwar Prasad, for the Appellant; Sudhir Kumar, for the Respondent

Final Decision : Disposed Off

Judgement

Jyoti Saran, J.—Heard the parties. The petitioners have questioned the order dated 17.8.2010 passed by the Collector, Samastipur in Basgit Purcha Case No. 20 of 2010, whereby the objection to the grant of purcha in favour of the private respondent under the provisions of the Bihar Privileged Persons Homestead Tenancy Act, 1947 (hereinafter referred to as "the Act") has been dismissed, inter alia, on grounds of unexplained delay.

2. The facts of the case apparent from the pleadings is that the purcha in question has been granted to the private respondent in a proceeding registered as Basgit Purcha Case No. 99 of 1995-96. The petitioners chose to question the same after a decade before the Lok Adalat and then before the Collector under Section 21 of "the Act" and which was dismissed.

3. While it is contended by Mr. Bhubneshwar Prasad, learned counsel appearing for the petitioners that the petitioners being the owner of the land bearing khata No. 128, khesra No. 1744 to the extent of 1 katha 3 dhurs and khata No. 120, khesra No. 1756 to the extent of 3 kathas 10 dhurs by virtue of purchase under sale-deeds executed on 27.3.1989 and 16.12.1969 placed at Annexures-1 and 2

respectively was never noticed in the entire proceedings, it is the argument of Mr. Alok Kumar Sinha, learned counsel appearing on behalf of the private respondent that the land in question which has been settled in favour of the private respondent actually belonged to one Saryug Prasad to the extent of 4 decimals and is distinct from the land of the petitioners. He further submits that though the proceedings took place in the year 1995-96 and the purcha was granted thereafter, following which rent receipts have also been issued and house has been constructed but the petitioners never raised any objection and it is after such a long delay that they first chose to invoke the jurisdiction of Lok Adalat and thereafter the Collector under Section 21 of "the Act" who vide order impugned dated 17.8.2010 found no reason to interfere with the purcha. With respect to the statement made in paragraph 12 of the writ petition it is submitted that as per the own admission of the petitioner, the house was constructed way back in the year 2006. It is further the contention of the private respondent that even after dismissal of their application filed under Section 21 of "the Act" on 17.8.2010 it has taken more than one and half years for the petitioners to move this Court.

4. Having heard learned counsel for the parties and considering the circumstances so discussed, I am persuaded to hold that the petitioners have not made out a case for indulgence and that the purcha so granted in favour of the private respondent in a proceeding initiated in the year 1995-96 cannot be interfered with after a lapse of about two decades and for the same reasons the order passed by the Collector impugned in this proceedings does not require any interference. The writ petition is accordingly disposed of.