

SC-XI
20/6/13

IN THE HIGH COURT OF JUDICATURE AT PATNA

(Civil Writ Jurisdiction)

C.W.J.C. No. _____ of 2013

Dindayal Yadav & Another Petitioners

Versus

The State of Bihar & Others Respondents

Subject – Bihar Privileged Person Homestead Tenancy Act

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IN THE HIGH COURT OF JUDICATURE AT PATNA

(Civil Writ Jurisdiction)

C.W.J.C. No. _____ of 2013

Dindayal Yadav & Another Petitioners

Versus

The State of Bihar & Others Respondents

SYNOPSIS

The lands in question in the instant case appertains to R.S. Khata No. 202, R.S. Plot No. 291, area 2 decimals, situated in Mouza-Barhauna, P.S. Alamnagar, Dist. Madhepura, over which the petitioner is coming in title and possession since the time of his great grandfather without any break. The private respondents herein fraudulently and in collusion with the local revenue authorities got basgit purcha issued in their names in respect of the above sated lands belonging to the petitioner vide order dated 15.01.2001 passed by the Circle Officer, Alamnagar in Basgit Purcha Record Case No. 21/2000-01, although they are not landless and privileged person in terms of the Bihar Privileged Person Homestead Tenancy Act, 1947 as they already hold homestead as well as more than one acre agricultural lands in their

names. Against the above state order dated 15.01.2001 passed by the Circle officer, Alamnagar, the petitioner no. 1 preferred Basgit Purcha Appeal Case No. 24/2001 before the learned Collector, Madhepura, which has been rejected vide order dated 29.03.2007 by the learned Collector, Madhepura without appreciating the merits of the instant case and without any application of mind.

Hence, this writ petition.

LIST OF DATES:

- 15.01.2001 : Basgit purcha in respect of the lands in question was issued in the name of the respondent nos. 4 & 5 in Bagit Purcha Record Case No. 21/2000-01.
- Feb, 2001 : Petitioner No. 1 preferred Basgit Purcha Appeal Case No. 24/2001 before the Collector, Madhepura.
- 29.03.2007 : Impugned order passed by the Collector, Madhepura.
- July, 2012 :Private respondents started disturbing possession of petitioners.
- Aug, 2012 :Petitioner no. 2 returned to his home.

- 07.08.2012 : Petitioner no. 2 applied for certified copy of impugned appellate order.
- 14.12.2012 :Certified copy of impugned appellate order provided to petitioner no. 2.
- 01.02.2013 : Petitioner no. 2 made an application before the Circle Officer, Alamnagar, seeking information regarding Jamabandi etc. in respect of the land in question.
- 22.02.2013 :Information given to petitioner no. 2.
- Petitioner no. 2 applied for getting certified copies of records of Basgit Purcha Record Case No. 21/2000-01 on 22.02.2013, but the same was not provided by respondent authorities.
- 26.02.2013 :Respondent authorities informed that the said records are not available.

IN THE HIGH COURT OF JUDICATURE AT PATNA

(Civil writ jurisdiction)

C.W.J.C. No. of 2013

In the matter of an application
under Article 226 of the
Constitution of India;

And

In the matter of:

1. Dindayal Yadav, son of Late Hakru Yadav,
2. Sujeet Yadav, son of Dindayal Yadav,

Both residents of Vill. Barhauna, P.S. Alamnagar, Dist.
Madhepura,Petitioners

Versus

1. The State of Bihar, through the Principal Secretary, Department
of Revenue and Land Reforms, Government of Bihar, Patna.
2. The Collector, District. Madhepura,

through
Ajubey Nayin Chakraborty
Advocate
ATT/110-03496

3. The Circle Officer, Alamnagar, Dist. Madhepura,
 4. Mahendra Yadav, son of Late Chamak Yadav,
 5. Sita Devi, wife of Mahendra Yadav,
- 4 & 5 residents of Vill. Barhauna, P.S. Alamnagar, Dist. Madhepura.

..... Respondents

To,

The Hon'ble Ms. Justice Rekha M. Doshit, the Hon'ble Chief Justice of the High Court of Judicature at Patna and her companion Justices of the said Hon'ble Court;

The humble petition on behalf of the petitioners named above:

Most respectfully sheweth:

1. That the instant writ petition is being preferred for invoking the equitable and extraordinary jurisdiction of this Hon'ble Court for the grant of the following

Reliefs:

- (i) For issuance of an appropriate writ/order/direction including a writ in the nature of certiorari for quashing

the Order dated 29.03.2007 passed by the Court of the Learned Collector, Madhepura in Basgit Purcha Appeal Case No. 24/2001, whereby and whereunder the Learned Collector, Madhepura has rejected the appeal preferred by the petitioner no. 1 against the order dated 15.01.2001 passed in Basgit Purcha Record Case No. 21/2000-01 by the Circle Officer, Alamnagar, for granting Basgit Purcha to the private respondents;

- (ii) For issuance of an appropriate writ/order/direction including a writ in the nature of Certiorari for quashing the order dated 15.01.2001 passed by the Circle Officer, Alamnagar in Basgit Purcha Record Case No. 21/2000-01 by which Basgit Purcha was granted in respect of the lands in question to the private respondents herein;
- (iii) For grant of such other relief/reliefs as the petitioner may be found entitled to in the facts and circumstances of the instant case.

2. That the instant writ petition is being preferred on, amongst others, the following

Grounds:

- (i) For that the impugned orders are bad in law and on facts and as such, are liable to be set aside;
- (ii) For that basgit purcha in respect of the land in question has been issued in favour of the private respondents herein without issuing any notice to the petitioner and without hearing/considering the objections that might have been raised by the petitioners and as such, the same amounts to violation of the principles of natural justice;
- (iii) For that the basgit purcha has been issued in favour of the private respondents in collusion with the local revenue authorities, without proper and correct verification and spot inspection as per the requirements of the law;
- (iv) For that the private respondents, in whose favour basgit purcha, has been issued are not privileged persons and they already hold homestead land;
- (v) For that the private respondents are not entitled/qualified for grant of basgit purcha in terms of the statutory provisions of the Bihar Privileged Person Homestead Tenancy Act, 1947, as they hold other

4. That the petitioners are citizens of India, residing within the territorial jurisdiction of this Hon'ble Court.
5. That the lands in question in the instant case appertains to R.S. Khata No. 202, R.S. Plot No. 291, area 2 decimals, situated in Mouza-Barhauna, P.S. Alamnagar, Dist. Madhepura.
6. That the petitioners got a homestead land, measuring 4 decimals, under Mouza- Barhauna, P.S. Alamnagar, Dist. Madhepura, bearing R.S. Khata No. 202, R.S. Plot No. 291, since the time of their great grandfather, over which the petitioners are coming in title and possession since the time of their great grandfather without any break.
7. That the petitioners' house, darwaja, angan, bari-dari, sahan is standing over 4 decimals land of R.S. Plot No. 291, R.S. Khata No. 202, which has been in their peaceful possession since the time of their great grandfather, having lawful right, title, interest and possession.
8. That the private respondents herein also got 4 decimals of homestead land just north of petitioners' above described homestead land, vide R.S. Khata No. 45, P.S. Plot No. 292 since the time of their ancestor, over which their house, bari-dari etc.

is standing. It is pertinent to mention herein that R.S. Khatiyan of R.S. Khata No. 45, R.S. Plot No. 292 is recorded in the name of Chamak Lal Yadav, father of respondent no. 4, and after his death, respondent nos. 4 and 5 herein are living in the aforesaid homestead land and their residential houses, bari-dari etc. are standing thereon.

A true/photocopy of the R.S. Khatiyan recorded in the name of the father of the respondent no. 4 is being annexed herewith and marked as Annexure-1, forming part of this petition, for ready reference.

9. That the respondent no. 4 & 5 fraudulently and in collusion with the local revenue authorities got basgit purcha issued in their names in respect of 2 decimals lands out of the above mentioned homestead land of the petitioners, vide order dated 15.01.2001 passed by the Circle Officer, Alamnagar in Basgit Purcha Record Case No. 21/2000-01.

True/photocopies of the order dated 15.01.2001 and the basgit

purcha issued to the private respondents are being annexed herewith and marked as Annexure-2 Series, forming part of this petition, for ready reference.

10. That in the above said basgit purcha, the name of the ancestor of the petitioners was shown as land holder, but still no notice was served upon them and without sending any notice and hearing the petitioners, the above said basgit purcha was issued in the name of the private respondents herein.
11. That the land in question is the homestead land of the petitioners over which they are living with family and their residential house etc. are existing since the time of their great grandfather. The petitioners have not got any other homestead land except the land of R.S. Plot No. 291 as described above.
12. That during the revisional survey the land in question was recorded in the name of the father of the petitioner no. 1 (Grandfather of petitioner no. 2), namely Hakru Yadav, the R.S. Khatiyani was prepared accordingly and in remarks column

“Makan mai Sahan” was recorded as per the possession of the father of the petitioner no. 1 over the above sated land in question. It is pertinent to mention herein that R.S. Khatiyani in respect of R.S. Khata no. 202, R.S. Plot no. 291 has not been challenged or set aside by any court of competent jurisdiction and as such, the same has attained finality and go on to prove the right, title, interest and possession of the petitioner in respect of the land in question.

A true/photocopy of the R.S. Khatiyani in the name of the ancestor of the petitioner in respect of the land in question is being annexed herewith and marked as Annexure-3, forming part of this petition, for ready reference.

13. That it is submitted that the private respondents, in whose favour basgit purcha, has been issued are not privileged persons as they beside holding homestead land also hold lands more than one acre and as such, they are not entitled/qualified for grant of basgit purcha in terms of the statutory provisions of the Bihar Privileged Person Homestead Tenancy Act, 1947.

14. That against the order dated 15.01.2001 passed by the Circle officer, Alamnagar granting basgit purcha to the private respondents herein in respect of the petitioners' homestead land as described above, the petitioner no. 1 preferred appeal before the court of the learned Collector, Madhepura, vide Basgit Purcha Appeal Case No. 24/2001, but without any judicious application of mind, without appreciating the merits of the case, without giving any reason, merely on the basis of the report of the Anchal Adhikari, Aalamnagar, whose order was under challenge, the learned Collector, Madhepura, rejected the appeal and upheld the order dated 15.01.2001 passed by the Anchal Adhikari, Aalamnagar, vide his order dated 29.03.2007.

A certified copy of the order dated 29.03.2007 passed in Basgit Purcha Appeal Case No. 24/2001 is being annexed herewith and marked as Annexure-4, forming part of this petition, for ready reference.

15. That meanwhile the petitioner no. 1 suffered from a major paralytic attack and became completely bed ridden, and as such, could not know about the impugned appellate order.
16. That it is pertinent to mention herein that the petitioner no. 2 was not in knowledge of the above said issuance of basgit purcha in favour of the private respondents herein, nor was he knowing of the Basgit Purcha Appeal Case No. 24/2001 preferred by petitioner no. 1 (father of petitioner no. 2) against order dated 15.01.2001 passed by the Collector, Madhepura, as he used to live out of state for earning his livelihood.
17. That it is submitted that during the month of July, 2012, all of a sudden the private respondents started disturbing the peaceful possession of the petitioners over the land in dispute and frequently tried to dispossess from the said land in question on the basis of the impugned appellate order. It was then that the petitioner no. 1 came to know of the impugned appellate order, upon which he informed petitioner no. 2 about the same as he was physically unable to move due to his illness.

18. That it is submitted that the petitioner no. 2 then, for the first time, came to know of the impugned appellate order as well as issuance of above stated basgit purcha in favour of the private respondents. Accordingly, petitioner no. 2 returned to his home in the month of Aug, 2012 and tried to get information regarding the impugned proceedings from the concerned local revenue authorities.
19. That thereafter, petitioner no. 2 immediately applied, on 07.08.2012, for getting the Certified copy of the order dated 29.03.2007 passed in Basgit Purcha Appeal No. 24/2001, which was supplied to him on 14.12.2012.
20. That on 01.02.2013, the petitioner no. 2 made an application before the Circle Officer, Alamnagar, seeking information regarding Jamabandi etc. in respect of the land in question, upon which he was informed on 22.2.2013 that the jamabandi in respect of the land in question is recorded in the name of the grandfather of the petitioner, namely Hakru Yadav, and out of 4 decimals of the land in question, 2 decimals of land has been recorded in the name of the private respondents vide order dated 15.01.2001 passed in Basgit Purcha Case No. 21/2000-2001.

A true/photocopy of the information, dated 22.02.2013, provided to the petitioner by the C.O. , Alamnagar is being annexed herewith and marked as Annexure-5, forming part of this petition, for ready reference.

21. That immediately thereafter, the petitioner no. 2 applied for getting the certified copy of the Basgit Purcha Record Case No. 21/2000-01 on 22.02.2013, upon which no record has been provided to him and the office of the respondent authorities only informed him that the records of Basgit Purcha Case No. 21/2000-01 is not available.

A true/photocopy of the information provided by the revenue authorities is being annexed herewith and marked as Annexure-6, forming part of this petition, for ready reference.

22. That thereafter the petitioner no. 2 managed to get the copies of the relevant records of Basgit Purcha Record Case No. 21/2000-01 on his own after great difficulties and is preferring the instant writ petition.
23. That there is no deliberate latches or delay on the part of the petitioners in preferring the instant writ petition and the delay occasioned, if any, be condoned in the interest of justice.
24. That it is submitted that basgit purcha in respect of the land in question has already been granted/issued in favour of the ancestor of the petitioners since long, over which the petitioners have been continuing in peaceful possession till date, having the lawful right, title and interest and over which the petitioners' residential house is situated, but this aspect of the matter has not been considered at all by the respondent authorities while passing the impugned orders.
25. That emboldened by the impugned orders in their favour, the respondent nos. 4 and 5, in collusion with the local revenue authorities, are bent upon dispossessing the petitioners and their family from the land in question and if the impugned orders are

not set aside by this Hon'ble court, the petitioner and his family would be rendered homeless by the private respondents herein.

26. That the matter requires interference by this Hon'ble Court so that justice may be done to the petitioners, and the petitioners and their family may be protected from being rendered homeless at the hands of the private respondents in collusion with the local revenue authorities.
27. That the petitioners have got no other efficacious and alternative remedy than to move before this Hon'ble Court for the redressal of their grievances.

It is therefore, prayed that your Lordships may graciously be pleased to issue rule NISI calling upon the respondents to show cause as to why the reliefs prayed for in paragraph no. 1 of this writ petition may not be granted to the petitioners and after hearing the parties, considering the show

cause, if any, and after return of the rule, make the same absolute against the respondents in favour of the petitioners.

And/Or

Be pleased to pass such other order or orders, writ or writs, direction or directions, as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case for the ends of justice.

And

Be pleased further to direct the respondents not to dispossess the petitioners from the land in question by staying the operation of the impugned order dated 29.03.2007 passed by the learned

collector, Madhepura in Basgit
Purcha Appeal Case No. 24/2001,
during the pendency of the instant
writ petition before this Hon'ble
Court.

And for this, the petitioners shall ever pray.

AFFIDAVIT

I, Sujeet Kumar, aged about 34 years, son of Dindayal Yadav, resident of Vill. Barhauna, P.O. & P.S. Alamnagar, Dist. Madhepura, do hereby solemnly affirm and state as follows:

1. That I am petitioner no. 2 and as such am fully acquainted with the facts and circumstances of the Case.
2. That the contents of this petition have been read over and explained to me in Hindi whom I have completely understood and I state that the statements made therein are true to the best of my knowledge and belief.
3. That the Annexures are the true/photo copies of their respective originals.

सुजीत यादव

गैरमानक

मौजा बदना अंठ

पुलिस थान

1146
16/11/23
खतिगात्रा का
सिवाखिंबार
संख्या

7/1
रगत का नाम/पिता का नाम/जाति
तथा निवास स्थान

1

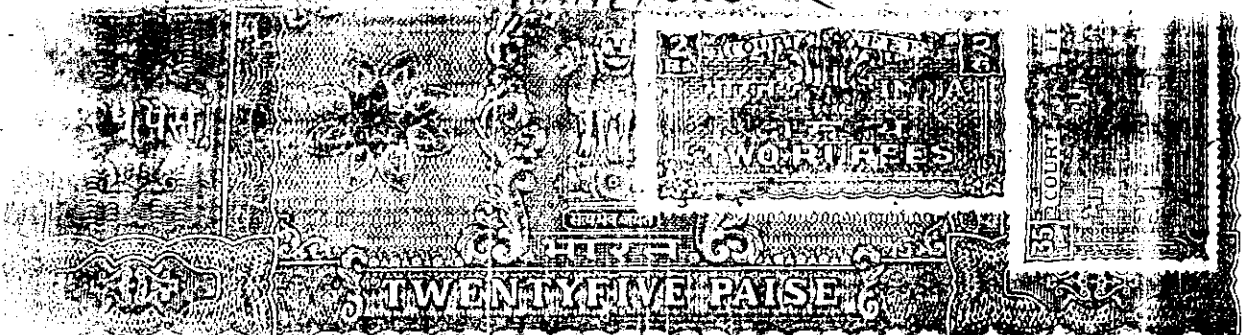
2

83 चमड लाल यादव मिश्रा

यादव जाति यादव रनि

रनि 0214 पत्रालय अ





प्रतिनिधि के लिए आवेदन की तारीख Date of application for the copy.	स्टाम्प और फॉसिओ की अपेक्षित संख्या सूचित करने की निर्दिष्ट तारीख Date fixed for notifying the requisite number of stamps and folios.	अपेक्षित स्टाम्प और फॉसिओ देने की तारीख Date of delivery of the requisite stamps and folios.	तारीख, जबकि देने के लिए प्रतिनिधि तैयार थी Date on which the copy was ready for delivery.	आवेदक को प्रतिनिधि देने की तारीख Date of making over the copy to the applicant.
		1/4/2001		1/4/2001

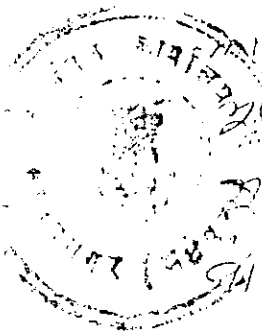
वास्तुकीय आगमनी क्र. 10/2000-2001

श्री महेश्वर यादव पिता - 590 - गांव
गांव - 590 - बड़ौदा जे जिम्मादितर सरकार, खेड़ा
खेड़ा का - वास्तुकीय - पत्रों हेतु आवेदन - प्रारिणा
है।

जमीन का विवरण

मोटा	खेत	खेत	खेत	खेत
बड़ौदा	202	291	0.02510	0.08

श्री महेश्वर यादव ने अपने परिवार में दिया है कि जमीन का खत जौंचापरात पाया कि जमीन आवेदन के गठान एवं बड़ी की अर्हता देखने में है। आवेदन प्रारिणा जाते के आला है। जमीन 291 - 202, बिहार सरकार आदि से प्रारिणा वास्तुकीय पत्रों देने हेतु अर्हता की है।
अपने जमीन न अपने जौंचापरात के आला - पर खेती मजदारी एवं जौंचापरात के तब पाया है।



महेश्वर यादव
बड़ौदा

TYPE-COPY

20

ANNEXURE-2

वासगीत अभिलेख सं०-21/2000-2001

श्री महेन्द्र यादव, पिता स्व० चमक यादव, सा० - बढौना ने निम्नांकित खाता, खेसरा, रकवा का वासगीत पर्चा हेतु आवेदन पत्र दिया है।

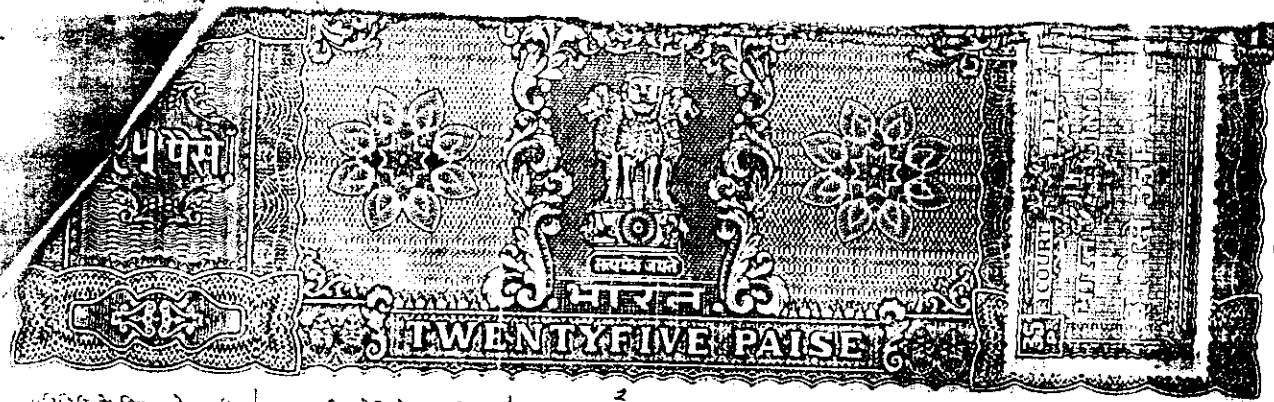
जमीन का विवरण

<u>मौजा</u>	<u>खाता</u>	<u>खेसरा</u>	<u>रकवा</u>	<u>लगान</u>
बढौना	202	291	0.02 डी०	0.08

राजस्व कर्मचीर ने अपने प्रतिवेदन में दिया है कि जमीन का खाता जांचोपरान्त पाया कि जमीन आवेदक के मकान एवं बाड़ी-बाड़ी के अन्तर्गत दखल में है। आवेदन भूमिहीन जाति के ग्वाला है। जमीन भूदान भूहदबंदी, बिहार सरकार आदि से मुक्त है। वासगीत पर्चा देने हेतु अनुशंसा की है।

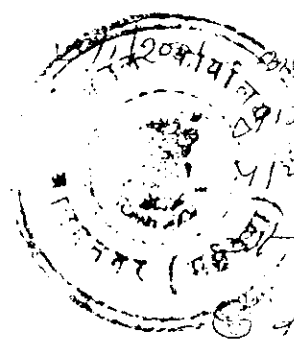
अंचल अमीन न अपने जांच प्रतिवेदन के आधार पर स्थलीय नापी एवं जांच किया तथा पाया कि

21



प्रतिनिधि के लिए आवेदन की तारीख Date of application for the copy.	राम्य और फोलियो की उपेक्षित संख्या सूचित करने की निश्चित तारीख Date fixed for notifying the requisite number of stamps and folios.	अपेक्षित रसाम्य और फोलियो देने की तारीख Date of delivery of the requisite stamps and folios.	तारीख, जबकि देने के लिए प्रतिनिधि तैयार थी Date on which the copy was ready for delivery.	आवेदन को प्रतिनिधि देने की तारीख Date of making over the copy to the applicant.
		27/6/2001		27/6/2001

आवेदक का घर बीजा का आवेदित-शा.रा. -
 एवं अ.व.क. संख्या 209 खेसरा-291 के 0-02 में
 मकान भूख सखत वृद्ध दिनों से है। इन्हीं में
 ही पर्याप्त हेतु अनुशीला की है।
 अ.निरीक्षण ने जी राजेश्वर कुंभारी एवं
 अमीर के उपस्थित से सखत व्यवस्था की गयी है
 अ.धारी का नोटिस दे अतिशय अतिशय
 का उपस्थापन करें।



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TYPE-COPY

21

आवेदक का घर बढौना का आवेदित खाता एवं प्रस्तावित खाता 202 खेसरा-291 के 0.02 में मकान मय सहन बहुत दिनों से है। इन्होंने भी पर्चा हेतु अनुशंसा की है।

अं० निरीक्षक ने भी राजस्व कर्मचारी एवं अमीन ने प्रतिवेदन से सहमति व्यक्त की गयी है।

भू-धारी का नोटिश दें अभिलेख 30.12.2000 को उपस्थापित करें।

ह०/- अस्पष्ट

22.12

अंचल अधिकारी

आलमनगर

लेखापित

ह०/- अस्पष्ट

22.12.

अंचल अधिकारी

आलम नगर

अभिलेख उपस्थापित। अंचल निरीक्षक आलमनगर द्वारा स्थल जांच किया गया। मकानमय सहन पाया।

बिहार प्रश्रय प्राप्त अधिनियम के अनुसार महेन्द्र यादव ने नाम वासगीत पर्या निर्गत की वरन स्वीकृति दीजाती है।

ह०/- अस्पष्ट

15.1

अंचल अधिकारी

आलमनगर

लेखापित

ह०/- अस्पष्ट

15.1

अंचल अधिकारी

आलम नगर

विशार प्रश्नपत्र

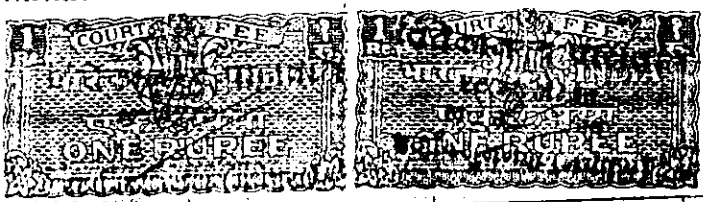
दलका ०-३ अंश - ३११

१	आपत्ती के नाम ७५०० ५२-३५ नाम
२	
३	श्री गुरुदेव २५९
४	Mer - ए. चक्रमा
५	ए. चक्रमा
६	अंश - ३११
७	विना - गुरुदेव
८	पत्नी - श्री गुरुदेव

अंश नमो
 ए. चक्रमा ७५००
 श्री गुरुदेव २५९
 Mer - ए. चक्रमा
 ए. चक्रमा
 अंश - ३११
 विना - गुरुदेव
 पत्नी - श्री गुरुदेव

प्रतिलिपि के लिए आवेदन की
तारीख
Date of application for
the copy.

स्टाम्प
संख्या
Da
the



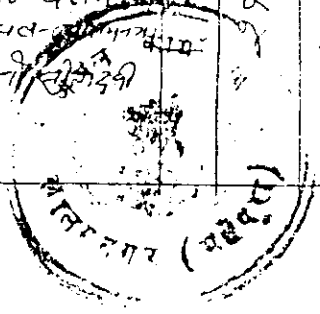
वेदक को प्रतिलिपि देने की
लागत
Cost of making over the
copy to the applicant.

5/6/2001

5/6/2001

कारण-जी
श्रीरामजी
विहार विजिलेण्ड परस्व होमस्टीडरिने सी 1948 के निमा 5-2 34-11मम(5)3
अधीन आशगीर-अ-मजिलेय
गाँव का नाम- बीदीजा वना संख्या-74 अंचल-आलमगाल
बागा-आलमगाल-सिद्धा-आलमगाल श्रुति श्रीरामजी के नाम (पुत्र और कलाप)
दस्तावेज-199-142-लगा-पात्र-सा-बलेना

1	2	3	4	5	6	7	8	9	10
सामग्री के नाम (निजा का नाम या गाँव का नाम के साथ)	2	3	4	5	6	7	8	9	10
श्री गणेश मादक पता- 690 पमम आदर सा- बलेना अंचल- आलमगाल पुत्री श्रीरामजी			80.0	0- नीज 30- गेहूँ उपे 42- - 292 मादक	अंचल मम संघ	अंचल अधिका आलम- - पी		21 2000-2001	आदर



दस्तावेज
अंचल आलमगाल
92 आलमगाल

परिवारिक
अंचल
अधिका
5/6

प्रमाणित प्रतिलाप
5/6/2001
प्रधान न्यायाधीश
अंचल आलमगाल
सं. 1813 अ 10 बी बादा
अचलमगाल

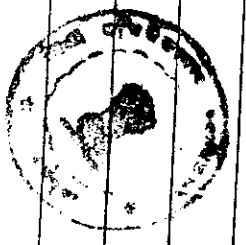
CONTINUOUS KHATIAN ANNEXURE - 3

24

10/11/73
 दिनांक
 माला प्रकाश प्रसाद
 आवास संख्या
 पता का नाम / बिना का नाम / गाँव
 जिला का नाम

68
 प्लॉट नं०
 गाँव
 13/11/73
 दिनांक
 माला
 आवास संख्या
 पता का नाम / बिना का नाम / गाँव
 जिला का नाम

क्र.सं.	बिना का नाम / बिना का नाम / गाँव	प्लॉट नं०	गाँव	दिनांक	माला	आवास संख्या	पता का नाम / बिना का नाम / गाँव	जिला का नाम
1								
2								
3	<u>एच.डी. सोनी सोनी सोनी</u>	<u>249</u>	<u>...</u>	<u>19/11/73</u>	<u>...</u>	<u>...</u>	<u>...</u>	<u>...</u>
4	<u>...</u>	<u>...</u>	<u>...</u>	<u>...</u>	<u>...</u>	<u>...</u>	<u>...</u>	<u>...</u>
5	<u>...</u>	<u>...</u>	<u>...</u>	<u>...</u>	<u>...</u>	<u>...</u>	<u>...</u>	<u>...</u>
6	<u>...</u>	<u>...</u>	<u>...</u>	<u>...</u>	<u>...</u>	<u>...</u>	<u>...</u>	<u>...</u>
7	<u>...</u>	<u>...</u>	<u>...</u>	<u>...</u>	<u>...</u>	<u>...</u>	<u>...</u>	<u>...</u>
8	<u>...</u>	<u>...</u>	<u>...</u>	<u>...</u>	<u>...</u>	<u>...</u>	<u>...</u>	<u>...</u>
9	<u>...</u>	<u>...</u>	<u>...</u>	<u>...</u>	<u>...</u>	<u>...</u>	<u>...</u>	<u>...</u>
10	<u>...</u>	<u>...</u>	<u>...</u>	<u>...</u>	<u>...</u>	<u>...</u>	<u>...</u>	<u>...</u>
11	<u>...</u>	<u>...</u>	<u>...</u>	<u>...</u>	<u>...</u>	<u>...</u>	<u>...</u>	<u>...</u>
12	<u>...</u>	<u>...</u>	<u>...</u>	<u>...</u>	<u>...</u>	<u>...</u>	<u>...</u>	<u>...</u>



27 May 1993
 10/11/73
 S/O
 INDIAN AIR FORCE
 AIR FORCE
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 05
 17
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 BIHAR

TYPE-COPY

Schedule-1 - Form No. 91
Form No. 78 (Rule 408) at page 390 of the Settlement Manual 1927

ANNEXURE-3

24

शैथती खतियान

ग्राम मौजा - बढौनास परगना तौजी जिला - मुम्बई सदरसा
नाम थाना - किसुनागंज थाना नम्बर 68

खतियान का स्थिति नाम अस्ामी, पिता का नाम, जाति व वास स्थान खेत खेसरा चौहद्दी किस्म जमीन ए० डी० हेक्टयर कौफियत
स्थितिलेवार नं० नम्बर

1	2	3	4	5	6	7	8	9	10
202	हकरू यादव पिता लमेर यादव जाति यादव निवासी मिनग्राम पञ्चालय आलमनगर	291		मकान मय सदन 2	0	4	0162		काविल लगान

5911

14/12/12

14/12/12

3/8/12

न्यायालय समाहर्ता, मधेपुरा

वासगीत पर्चा अपील वाद संख्या - २४/२००९

25

अनुसूची १४-फारम सं० ५६३ 1

ANNEXURE-4

आदेश की क्रम-संख्या और तारीख १	आदेश और पदाधिकारी का हस्ताक्षर २	आदेश पर की गई कार्रवाई के बाद में टिप्पणी तारीख के साथ ३
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२९-०३-२००९

आदेश

उभय पक्ष के विद्वान अधिवक्ता को सुना एवं अभिलेख का अवलोकन किया। अंचल कार्यालय, आलमनगर के वासगीत पर्चा अभिलेख संख्या २१/२०००-०१ का अवलोकन किया। उक्त अभिलेख में अंचल अधिकारी, आलमनगर के अ. अ. दिनांक १५-०१-२००१ द्वारा विन्यासित वर्णित भूमि पर श्री महेन्द्र यादव, पिता - स्व. रामक यादव सा० - बढौना, मौजा - बढौना, अंचल - आलमनगर के नाम वासगीत पर्चा निर्गत किया गया :-

मौजा	प्रसंगिक भूमि का वितरण			चौहद्दी
	खेता	खेसरा	रकबा	
बढौना थाना नं० - ७४	२०२	२९१	०.०२ डी०	उत्तर - नीज दक्षिण - महादेव एवं परमेश्वर यादव पूरुब - दीन दयाल यादव प० - महादेव यादव

Bihar privilege person Homestead Tenancy Act 1947 की धारा २९ के अन्तर्गत आवेदक द्वारा आवेदन समर्पित कर उक्त प्रारंभिक आदेश एवं वासगीत पर्चा निर्गत करने में अमान्यता गई प्रक्रिया के विधि सम्मत (Legal) नहीं होने के विन्दु पर उक्त आदेश के पुनर्विचार/समीक्षा हेतु इस वाद को दायर किया गया है।

इस संबंध में अंचल अधिकारी, आलमनगर के पत्रांक ६३-२, दिनांक २५-०१-२००९ से स्थलीय जॉब प्रतिवेदन प्राप्त है। उक्त स्थलीय जॉब प्रतिवेदन में अंकित है कि उक्त वर्णित भूमि पर वासगीत पर्चा प्राप्त करने वाले प्रभय प्राप्त रैयत (Privileged tenant) का फूस का मकान बना हुआ है तथा फूस का मकान देखने से भी स्पष्ट होता है कि यह बहुत पहले से बना हुआ है, जिसमें महेन्द्र यादव के परिवार लोग रह रहे हैं। साथ ही उक्त स्थलीय जॉब प्रतिवेदन में निष्कर्ष के तौर पर अंकित है कि ".....जॉब में अंतिम रूप से पाया कि वासगीत पर्चा जो दिया गया है वह उचित है....."।

अतः अभिलेख के अवलोकन एवं उभय पक्ष के विद्वान अधिवक्ता को सुनने तथा प्रसंगिक अभिलेख/अंचल अधिकारी, आलमनगर के पत्रांक ६३-२, दिनांक २५-०१-२००९ से प्राप्त स्थलीय जॉब प्रतिवेदन के अवलोकनोपरान्त मैं संतुष्ट हूँ कि अंचल कार्यालय, आलमनगर के अभिलेख संख्या - २१/२०००-०१ में अंचल अधिकारी, आलमनगर द्वारा पारित आदेश दिनांक १५-०१-२००१ विधि सम्मत है। अतः आवेदक द्वारा समर्पित आवेदन को अस्वीकृत करते हुए इस वाद की कार्यवाही समाप्त की जाती है।

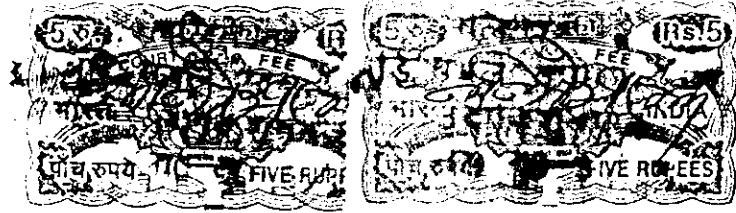
R
29-03-07
समाहर्ता
मधेपुरा

लेखापित एवं शुद्धिकृत

R
29-03-07
समाहर्ता
मधेपुरा

(Signature)

14-12-12



APPLICATION FOR INFORMATION

29
01.2.13

No. and Date	Name and residence of applicant	Nature of the Information required	Date on which the information is to be read	Signature of Officer receiving the application	Remarks	
नाम - सुजीत यादव पिता - दिन बहाल यादव ग्राम - बढौना थाना - आलमनगर पोस्ट ऑफिस - आलमनगर पंचायत - बढौना	मैं जानना चाहता हूँ कि अंचल - आलमनगर के इंसेसरा इका की जमीन की किसके - किसके नाम से चल रही है, तथा किस-किस हामिल - श्वाशिल वाद संबंधी के आधार पर श्वाशिल हुआ है। इसकी पूर्ण जानकारी है। खाना - इंसेसरा - इका १०१ - १११ - ०११०				राजेश कुमार शर्मा प्रभिकेदार 01.02.13 आलमनगर	

Received form of Date Dated

Application No. of information which will be ready on clerk in charge

TYPE-COPY -

ANNEXURE-5

26

Schedule XII Form No. 13

मूल्य-2 पैसा

APPLICATION FOR INFORMATION

No. and Date	Name and residence of applicant	Nature of the Information required	Date on which the information is to be reads	Signature of Officer receiving	Remarks
29/01.2.13	नाम-सुजीत यादव पिता-दिन दयाल यादव ग्राम - बढौना थाना-आलमनगर पो0+अंचल- आलमनगर पंचायत - बड़गांव	मैं जानना चाहता हूँ कि मौजा - बढौना, थाना - आलमनगर, अंचल - आलमनगर के अन्तर्गत निम्नलिखित खाता खेसरा रकवा की जमीन की जमाबंदी वर्तमान में किसके-किसके नाम से चल रही है, तथा किस-किस दाखिल-खारिज वाद संख्या के आधार पर खारिज हुआ है । इसकी पूर्ण जानकारी दें ।			
		<u>खाता</u> 201	<u>खेसरा</u> 291	<u>रकवा</u> 02 डी0	राजस्व कर्मचारी जांच प्रतिवेदन दें ।

ह0/- 7.2.13

अं0अ0

आलमनगर

TYPE-COPY

27

अ० अ०

महाशय,

मौजा वडौना थाना नं० ७४ अन्तर्गत
साता सं० २०२खैसरा सं० २६१ रक्बा ०.०४ डी०
का जमावंदी हकरु याक्व पिता लमेर याक्व के
नाम से दर्ज है जिसमें से करवा ०.०२ डी० वासगीत
पर्चा वाद सं० २१/ २०००-२००१ दिनांक १५-०१-२००१
द्वारा कारिज कर वासगीत जमा वंदी न० २२६ पर
श्री महेन्द याक्व पिता स्व०चमक लाल याक्व पत्नी
सोता देवी के नामसे दर्ज कर वर्षा, २०१२-१३ तक लगान
मुगतान है ।

अतः सूक्तार्थ समर्पित ।

ह० अस्पष्ट

२२-२-१३

कर्मचारी,

ह० सं० ३,

28

Court folio
दस्ता परत

62
22/2/13

Name of applicant
दरखास्त करनेवाले का नाम
सुनील यादव

Date of receipt of application
दरखास्त करने की तारीख

Time by which the copy required is to be ready
वह वकत जब कॉपी तैयार नकल तैयार होनी चाहिए

From of Application	
1	Number and date of application दस्ताखत नम्बर और तारीख
2	Name residence and description of application दरखास्त करने वाले का नाम पता और शहर
3	Specification of paper which the copy is required इस कागज की तहफिल जिसकी नगार चाहिए
4	Case or proceeding in which the su paper is to be found or was filed. मोकदमा का अर्वाइ जिससे वह कागज मिलेगा या नथी किया गया।
5	Ordinary searching fee deposited in court. fee stamp मामूली तलासी फीस जो कोर्ट फीस में जमा की गई।
6	Extra searching-fee deposited in court-fee stamp Expediting fee in Court-fee stamp. जो एक तलासी की फीस जो कोर्ट की स्टाप में जमा की गई जल्द पाने वास्ते जो कोर्ट फी स्टाप दिया है।
	Number of Stamped sheets Application पर तलाशी
	7a 3 annas 3 आना
	7b 6 annas 6 आना
	7c 9 annas 9 आना
	Number of sheets of plan paper filed with application सारे कागज के तखों का गिनती, जो दरखास्त के साथ पेश किये गये।
9	Court fee stamp for Certified copies. नकल पे जास्ता कोर्ट फी स्टाप।
10	Name of office or department where the paper in question to be found. उस ऑफिस या सिरिस्ते का नाम जहाँ वह कागज मिलेगा।
11	Date and (if extra searching-fee have been paid) your by which copy is to ready तारीख और (जायद तलासी की गई हो) घंटा की जब नकल तैयार रहनी चाहिए।
12	Name of Copiest or typist. ट्राईप या नकल नवीस का नाम।
13	Initial of record-keeper who fills up the Eatre proceeding columny, महाफिल दफ्तर के छोटे तस्ताखत को पिछले खासों खासों को भरता है।
14	Signature of office receiving application. दरखास्त लेने वाले अफसर का दस्ताखत।
15	Remark



दरखास्त नम्बर 21/2000-01 का आर्वाइ तहफिल नथी है पंजीय
वर्ष है।
22/2/13

TYPE-COPY

ANNEXURE - 6

28

सुजीत यादव पिता
दीनदयाल यादव
सा० बढौना, थाना-
आलमनगर, जिला-
मधेपुरा ।

वासगीत पर्चा वाद
सं०-21/2000-01
का जप्ती नकल
चाहिए ।

आपत्ति नहीं हो तो
नकल निर्गत करें ।

ह०/- अ०आं०

आलमनगर

28.2.

सुरजीत यादव

वासगीत पर्चा वाद सं०-21/2000-01 का अभिलेख उपलब्ध नहीं है । पंजी
में दर्ज है ।

ह०/- 26.2.13

27

मं० मं०

महाराज,

भौजा व दौजा थाना नं० ७५ अन्तर्गत
 खाना सं० २०२ खेपडा सं० २११ ख० ०.०५ डिठ
 का अमावसी हुकूम गादग पिता लखीर मादग के
 नाम के दस है जिसमें से २०१ ०.०२ डिठ कासगीत
 पचा गाद सं० २१/२०००-२००१ दिनांक-१५-०१-२००१
 द्वारा खरीज कर कासगीत अमावसी नं० २२६ पर
 श्री महेश्वर गादग पिता ल० चमक ला० ल० मादग पचा
 पीता देवी के नाम के दस कर वर्ष २०१२-१३ पर लगात
 सुरावात है।

अतः सूचनायें लभयित /

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 २३/१२/१२
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22

क्र.सं.	विवरण	दिनांक	स्थान	व्यक्ति	विवरण	दिनांक	स्थान	व्यक्ति
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22

बिहार प्रश्न प्राप्त रैयत कुछ जांच प्रतिवेदन

हल्का न०-3 अंचल-आलमनगर, अनुमण्डल उदाकिशुनगंज, जिला - मधेपुरा

भूधारी का नाम - हरकु यादव पिता- यादव

क्रमांकआवडी के नाम एवं पिता/पति का नाम

1	2	3	4	5	6	7	8	9
1.	श्री महेन्द्र यादव	बदौना	202	291	0.028	0.08	मकान मय	उत्तर - नीज
	पिता-स्व० चमक यादव				01-02	अलावे शेष	सहन	द० - महादेव एवं परमेश्वर यादव
	सा०-बदौना							पू० - दीनदयाल यादव
	अंचल-आलमनगर							प० - महादेव यादव
	जिला-मधेपुरा							
	पत्नी-सीता देवी							

अंचल निरीक्षक के

स्थल जांच पर प्रतवेदन दे।

ह० / - 28.12.2000

महाशय,

उपरोक्त विवरण की जमीन या स्थल जांच के उपरांत पाया कि जमीन आवेदक ने मकान एवं बाड़ी माड़ी के अन्तर्गत दखल में है। आवेदक भूमिहीन जाति के नवाला है। जमीन भूदान-भूददबंदी, बिहार सरकार आदि से मुक्त है।

अतः अंचल अमीन से नापी प्रतिवेदन मांग किया जाय। तत्पश्चात् आवेदक के नाम से वासगीत पर्चा निर्गत किया जा सकता है।

ह० / - अस्पष्ट 310310
22.9.2000 महाशय,

स्थलीय जांच में
मकानमय रहन पाया।
ह० / - 11.01.2001

310310

महाशय,

मौखिक आदेशानुसार स्थलीय नापी एवं जांच किया गया तथा पाया कि आवेदक श्री महेन्द्र यादव प० स्व चमक यादव सा० बदौना का आवेदितखाता एवं प्रस्तावित खाता 202 खेसरा 291 के 0.02 (दो) या दो डिसेमल में मकानमय सहन बहुत दिनों से आवेदकके पक्ष में वासगीत पचाय की कोई कार्रवाई की जा सकती है। सूचनार्थ समर्पित।

310310

महाशय, अंचल अमन एवं
कर्मचारी के प्रतिवेदन से स्पष्ट
है। आवेदक भूमिहीन है इन्हें
वासगीत पर्चा दी जा सकती है।

ह० / - अस्पष्ट 310
24.9.2001 अस्पष्ट

ह० / - अस्पष्ट
26.11.2000

19

ANNEXURE - 1

CONTINUOUS KHATIAN

गैरमानक

मौजा अचल अचल शिवराज

मुहिसा थाना

खण्ड नं० 68

जिला SHRILAKSHMI

खेत्रीय शाखा

SHRILAKSHMI

GOVT OF BIHAR
REGISTRATION DEPARTMENT
MUMBAI SAHORE MAHARASHTRA

खण्ड का नाम / खिटा का नाम / जाति
उपर लिखित स्थान

क्रमांक	खिटा नं०	खिटा	खिटा का नाम	खिटा का नाम / जाति	उपर लिखित स्थान						
1	3	4	5	6	7	8	9	10	11	12	
82	2	3	4	5	6	7	8	9	10	11	12
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	2	3	4	5	6	7	8	9	10	11	12
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REGISTRATION DEPARTMENT
MUMBAI SAHORE MAHARASHTRA

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REGISTRATION DEPARTMENT
MUMBAI SAHORE MAHARASHTRA



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Handwritten notes and signatures in the right margin.

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ANNEXURE-1

19

CONTINUOUS KHATAN

जिला - सहारनपुर रवेणू थाना किशुनगंज

बढीना अंचल आलमनगर थाना नं० - 74

जिला - पूर्णियाँ

खतियान का सिखिलेवार नं०	रेंयत का नाम/पिता का नाम, जाति तथा निवास स्थान	खेसरा नं०	खेत चौहद्दी	रकबा कि० मी०	हेक्टर	कंफियत	हाकिम				
1	2	3	4	5	6	7	8	9	10	11	12

45 चमक लाल यादव पिता परदीप
यादव जाति यादव निवासी
निज गाम पत्रालय आलमनगर

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काविज
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agricultural lands, more than one acre, in their names as well;

- (vi) For that basgit purcha in respect of the land in question has already been granted/issued in favour of the ancestor of the petitioners since long, over which the petitioners have been continuing in peaceful possession till date, having the lawful right, title and interest and over which the petitioners' residential house is situated, but this aspect of the matter has not been considered at all by the respondent authorities while passing the impugned orders;
- (vii) For that the impugned orders suffer from the vice of PETITIO PRINCIPII and non-application of mind;
- (viii) For that the impugned orders have been passed without following the due procedure as required under the law;
- (ix) For that the impugned orders are otherwise bad in law and are fit to be set aside.

3. That the petitioners have not moved before this Hon'ble court in the instant matter on any earlier occasion.