

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5698 of 2009

With

I.A.No. 5670 of 2015

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Sanjay Kumar, son of Chhatrawali Sao, resident of Village- Khushrupur
Miantoli, P.S.- Khushrupur, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Land Reforms
Department, Bihar, Patna.
2. The District Magistrate, Patna, District- Patna.
3. Deputy Collector, Land Reforms, Patna City, District- Patna.
4. Circle Officer, Khushrupur, District- Patna.
5. Madhu Gupta, widow of late Om Prakash @ Om Prakash Gupta,
resident of Village- Khushrupur, P.S.- Khushrupur, District- Patna, at
present residing at X.T.T.I., Dighaghat, District- Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Durga Nand Jha

For the Respondent/s : Mr. Sanjeev Kumar Singh, AC to SC-12

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL ORDER

8 17-07-2015

The petitioner through this writ petition has prayed for issuance of a writ in the nature of certiorari for quashing the order dated 10.11.2008 passed by the Circle Officer, Khushrupur in Mutation Case No.722 of 2007-08 initiated on an application made by the private respondent, whereby he has recommended for cancellation of jamabandi standing in the name of the petitioner bearing No.516(Ka) in relation to khata no.16, khesra no.252 admeasuring 4 decimals in Mauza Khushrupur in the town and district of Patna. The order of the Circle Officer has been impugned at Annexure-9 to the writ petition which is a part



of the certified copy of the order-sheet in the mutation proceedings and by the order impugned, the Circle Officer has remitted the records of the case before the Deputy Collector, Land Reforms, Patna (hereinafter referred to as 'the DCLR') for passing appropriate orders on his recommendation. It is at this stage that the petitioner has approached this Court and the matter has remained pending since then.

When the matter was last heard on 14.7.2014 that this Court required the information as regarding the status of the cancellation of mutation proceedings pending before the DCLR. Pursuant to the order of this Court that the interlocutory application bearing I.A. No.5670 of 2015 has been filed and in which it is stated that the DCLR vide order dated 13.2.2010 passed in Jamabandi Cancellation Case No.722 of 2007-08 has cancelled the Jamabandi bearing No.516(Ka) standing in the name of the petitioner. By the same order the DCLR has issued directions to the Circle Officer, Khushrupur to create Jamabandi in the name of the private respondent. The order of the DCLR has been placed on record vide Annexure-10 to the interlocutory application and the petitioner seeks permission to question the same in the present proceedings.

Paragraph 7 of the interlocutory application



manifests that the petitioner being aggrieved by the order dated 13.2.2010 passed by the DCLR –cum- Sub-Divisional Officer, Patna City in Jamabandi Cancellation Case No.722 of 2007-08 has preferred revision giving rise to Revision Case No..9 of 2010-11 before the Collector, Patna which is stated to be pending. It is stated by Mr. Durga Nand Jha that the said revision has been transferred by the Collector for final adjudication and disposal before the Additional Collector and is pending before him.

Having heard Mr. Durga Nand Jha, learned counsel appearing for the petitioner and Mr. Sanjeev Kumar Singh, learned Assisting Counsel to Standing Counsel No.12 and considering that the matter of cancellation of jamabandi is yet pending in revision before the Additional Collector, Patna, I am of the opinion that the writ petition can be disposed of with a direction to the Additional Collector, Patna to consider and dispose of the Revision Case No.9 of 2010-11 in accordance with law and after hearing the contesting parties including the writ petitioner as well as the private respondent herein and considering that the revision case remains pending since last four years the Additional Collector would be well advised to dispose of the same expeditiously and preferably within a period

of three months from the date of receipt/production of a copy of this order.

The writ petition and the interlocutory application are accordingly disposed of in the light of the observation/direction aforementioned.

(Jyoti Saran, J)

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