

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2896 of 2015

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1. Amar Singh
 2. Kumar Singh
 3. Shivaji Singh Sons of Late Parth Brahmachari
 4. Laxmi Devi Daughter of Late Parth Brahmachari All are residents of Mohalla - Mirchaibari, PS - Katihar, Dist - Katihar.

.... Petitioners

Versus

1. Addl. Collector, Katihar.
2. Land Reforms, Deputy Collector, Katihar.
3. Circle Officer, Katihar.
4. Sumela Bhaduri W/o late Amal Sankar Bhaduri presently residing at Sector - 4, Plot No. - 9, Flat No. 44, I.E.S. Apartment, Dwarka, P.S. - Dwarka, Distt - New Delhi.

.... Respondents

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Appearance :

For the Petitioners : Mr. Vivekanand Prasad Singh, Advocate

For the State : Mr. Sushant Praveer, AC to SC 27

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 23-02-2015

Heard learned counsel for the petitioners and the State.

Petitioners are aggrieved by notice dated 3.7.2014 issued by the Additional Collector, Katihar under Section 9 of the Bihar

Land Mutation Act, 2011 as the case has been filed by the respondent no. 4 making a prayer for cancellation of jamabandi with respect to R.S. plot nos. 226/227 total area of 1 acre 68 decimals of land.

Learned counsel for the petitioners submits that the husband of the respondent no. 4 has already entered into compromise in a title suit in the year 1993 along with the petitioners' father in which the lands were accepted to be belonging to the petitioners' father. Thereafter, in a rent fixation case an order was passed in favour of the petitioners vide Annexure 4 dated 15.12.2006 by the Addl. Collector itself. However, still the Additional Collector concerned is hearing the matter of cancellation of jamabandi under Section 9 of the Bihar Land Mutation Act, 2011.

It is further submitted that, even though the petitioners have already appeared in the case and have brought the aforesaid facts to the notice of the Addl. Collector, Katihar, still he is proceeding in the matter whereas a title suit bearing Title Suit No. 223/2008 having been filed by the younger brother of the husband (since deceased) of the respondent no. 4 is also pending in which the petitioners have appeared and filed written statement.

In my considered opinion, this writ application is premature as no final decision has been taken by the Respondent no. 1. The aforesaid facts have admittedly been brought to the notice of

the concerned Addl. Collector, thus, let him take a decision on its own merit and in accordance with law after granting opportunity to all the concerned also answering the issue of maintainability of the proceeding, if it has been raised by the petitioners, within a period of eight weeks from the date of receipt / production of a copy of this order, if such order has already not been passed.

Accordingly this writ application stands disposed of.

(Dr. Ravi Ranjan, J)

Spd/-

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