

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21337 of 2014

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Nagendra Prasad son of Late Laxman Prasad, resident of Murcha Road, P.S. Chowk, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Circle Officer, Sadar, Patna.
3. The Dy. Collector Law and revenue, Patna City.
4. The Additional Collector, Sadar Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anand Prakash Prabhakar, Advocate

For the Respondent/s : Mr. Arun Kumar Sinha, AC to GP 24

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 22-10-2016

The petitioner is aggrieved by order dated 31.05.2013 passed in Jamabandi Cancellation Case No. 6 of 2012-13 by the respondent Additional Collector, Patna, whereby the aforesaid jamabandi cancellation case filed by one Rajesh Kumar has been allowed and jamabandi standing with respect to the land in question has been cancelled.

Though, the learned counsel appearing on behalf of the petitioner argued the matter at some length, but the learned AC to GP 24 appearing on behalf of the respondents, at the very threshold, raised two objections about the maintainability of the present writ petition; firstly, the writ petition suffers from non-joinder of all the necessary parties as the persons who were parties in the aforesaid Jamabandi cancellation Case No. 6 of 2012-13 have not been impleaded as party respondents in the present writ petition and; secondly, the impugned order is appealable under the provisions of Section 9(6)(a) of The Bihar Land Mutation Act, 2011 (in short “the Act, 2011”). Therefore, according to him, the present writ petition is fit to be dismissed on the aforesaid two

grounds alone.

Indisputably, the impugned order is appealable under the provisions of the Act, 2011. It is also true that the persons who were parties in the aforesaid jamabandi cancellation case have not been impleaded as party respondents in the present writ petition; therefore, in their absence, effective relief(s) cannot be granted to the petitioner in the present proceeding filed under Article 226 of the Constitution of India.

In above view of the matter, the present writ petition is dismissed. However, if the petitioner is, at all, aggrieved by the impugned order dated 31.05.2013, then he shall be at liberty to file an appropriate appeal before the prescribed appellate authority in terms of Section 9(6)(a) of the Act, 2011, after impleading all the necessary parties including the persons, who were parties in the aforesaid Jamabandi Cancellation Case No. 6 of 2012-13.

(Birendra Prasad Verma, J)

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