

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1309 of 2015

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Raj Kumar Singh Son of Laxmi Narain Singh, resident of Mohalla Lalit Nagar Colony Hemra, Ward No. 21 within Begusarai Municipal Corporation, P.S. Muffasil, Sub Division and Distt. Begusarai

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reform, Govt. of Bihar
2. The District Magistrate Cum Collector, Begusarai
3. The Additional Collector, Begusarai
4. The Circle officer, Sadar, Begusarai
5. Ram Lakhan Singh Son of Ram Chandra Singh resident of village & P.O. Bihar, Tola Ibrahimpur, P.S. Barauni, Sub - Division & Distt. Begusarai
6. Badri Prasad Sultania son of Late Prushotam Lal Sultania a resident of Mohalla - Marwari Myanchak, Ward No. within Begusarai Municipal Corporation, P.S. town and Distt. Begusarai

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh

For the Respondent Nos. 1 to 4: Mr. AC to SC-18

For the Respondent Nos. 5 & 6: Mr. Manoj Kumar Sinha, Adv.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 19-12-2016

Heard.

In view of the fact disclosed in the counter-affidavit filed on behalf of the respondent nos. 5 and 6 that against the impugned order dated 17.9.2014 passed in Jamabandi Cancellation Case No. 10 of 2014-15 by the respondent Additional Collector, Begusarai, as contained in Annexure-3, the petitioner has already filed a Jamabandi Cancellation Appeal No. 19 of 2014 before the respondent District Collector, Begusarai in terms of Section 9(6)(a) of The Bihar Land Mutation Act, 2011 (in short 'Act, 2011'), the present writ petition is dismissed, as he cannot be permitted to pursue two parallel remedies at the same time with respect to a same cause of action.



However, the respondent District Collector, Begusarai in seisin of the aforesaid Jamabandi Cancellation Appeal No. 19 of 2014 filed on behalf of the petitioner, shall take up the aforesaid appeal on priority basis and shall make all endeavours to dispose of the same at an early date preferably within a period of three months from the date of receipt/ production of a copy of the present order, but before passing any final order, an opportunity of hearing must be given to all concerned including the petitioner as also the private respondent nos. 5 and 6, besides others, if any.

The parties shall be at liberty to raise all the issues of facts and law, which may be available to them, with respect to the lands in question as also the order impugned, in the aforesaid pending Jamabandi cancellation Appeal pending before the respondent District Collector, Begusarai.

(Birendra Prasad Verma, J)

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