

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13768 of 2016

With
Interlocutory Application No. 7100 of 2016

- =====
1. Mritunjay Prasad Bhagat, S/o Late Kishori Bhagat.
 2. Vijay Kumar Bhagat, s/o Late Narain Bhagat.
 3. Saraswati Devi, w/o Vijay Kumar Bhagat.
 4. Anjana Bharti W/o Basuki Bhagat. All resident of Amarpur, P.S- Amarpur, District- Banka.

.... Petitioner/s

Versus

1. The State of Bihar, through Collector District Magistrate, Banka.
2. District Magistrate/Collector, Banka, through the Principal Secretary, Revenue Department, Govt. of Bihar, Patna.
3. Additional Collector, Banka.
4. Circle Officer/ Anchal Adhikari, Amarpur, District- Banka.
5. Executive Officer, Nagar Panchayat Amarpur, District- Banka.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh, Adv.
Mr. Ranjan Jha, Adv.

For the Respondent/s : Mr. Rishi Raj Sinha- SC-19
Mr. Akhilesh Kr. Sinha, AC to SC-19

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 19-09-2016 Heard the parties.

The petitioners are aggrieved by the order dated 18.7.2016/ 22.7.2016 passed in Jamabandi Cancellation Case No. 31 of 2013-14 by the respondent Additional Collector, Banka, as contained in Annexure-5 to the writ petition, whereby in exercise of his powers under Section 9(1) of The Bihar Land Mutation Act, 2011 (in short 'Act, 2011'), the jamabandi standing with respect to the lands in question has been cancelled.

Though, the learned counsel appearing on behalf of the petitioners has argued the matter at great length, but he has not been able to controvert the submissions made by the learned S.C. 19, appearing on behalf of the respondents that the impugned

order is appealable before the prescribed appellate authority in terms of Sections 9(6) (a) of the Act, 2011 and, therefore, the writ petition is liable to be dismissed on that ground alone.

In view of the aforesaid objections raised by the learned S.C. 19, the learned counsel appearing on behalf of the petitioners seeks permission to withdraw the present writ petition with a liberty to approach the prescribed appellate authority for grant of appropriate relief(s) to the petitioners with respect to the lands in question as also the order impugned.

Permission is accorded.

The writ petition stands dismissed as withdrawn with the liberty aforesaid.

The learned counsel appearing on behalf of the petitioners, by referring to the averments made in I.A. No. 7100 of 2016, submits that the petitioners are having their residential house/ shop over the lands in question. Therefore, he seeks some protection before filing the appeal by the petitioners before the prescribed appellate authority.

In view of the averments made in I.A. No. 7100 of 2016, the petitioners shall not be evicted from their residential house/shop in question, if not already evicted, for a period of ten days from today, as in the meantime it is expected that they shall file their appeal before the prescribed appellate authority.

I.A. No. 7100 of 2016 is also disposed of accordingly.

(Birendra Prasad Verma, J)

BTiwary/-

U			
---	--	--	--