

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3458 of 2016

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Sushila Devi, wife of Natho Yadav, resident of Village- Herudiyara, P.S.-
Naya Ram Nagar, District- Munger.

.... Petitioner/s

Versus

1. The State of Bihar, through the District Magistrate, Munger.
2. The Commissioner, Munger Commissioner, Munger.
3. The D.C.L.R., Munger.
4. The Circle Officer, Jamalpur, Munger.
5. The Principal Secretary, Land Reforms, Revenue Department, Govt. of Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Prasad

For the Respondent/s : Mr. Manish Kumar, GP-8

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

2 07-06-2016 The petitioner seeks quashing of the order, dated 08.11.2011, passed by the D.C.L.R., Munger, whereby he has rejected the prayer of the petitioner for creating Jamabandi in his favour with respect to Khata No. 55, Touzi No. 426, Thana No. 431, Khesra No. 09 and 1546, situated at Mouza-Inrukh, area 48 acres 42 decimal.

The petitioner has sought the aforesaid relief on the premise that he is in peaceful possession over the land since 1920 and in terms of the judgment and decree, dated 10.02.1999 and 22.02.1999 respectively, passed by the Sub-Judge-VI, Munger, in Title Suit No. 200 of 1992, which was affirmed in Title Appeal No. 39 of 2006, dated 17.06.2008 and 26.06.2008 respectively.

On the aforesaid premise, learned counsel submits that D.C.L.R., Munger, has not created Jamabandi in his favour.

It goes without saying that if there is a decree of the competent Civil Court with respect to property in question, there would not be any reason as to why Jamabandi should not be created in favour of the decree holder or persons claiming through the decree holder.

However, as remedy of appeal is available, the writ application is permitted to be withdrawn with liberty to the petitioner to file appeal before the appropriate authority/forum. If such appeal is preferred by the petitioner, the delay in filing of the appeal would sign pathetically be condoned, as the petitioner was pursuing his remedy before this Court. It is further expected that the appeal filed by the petitioner would be disposed of expeditiously. Any subsequent development on the plots would be subject to the order passed in Appeal, and any act done by the respondents, would be at their own risk and cost.

It would also be open for the petitioner to make the prayer for interim relief before the appellate Court.

With the aforesaid observation, the writ application is dismissed as withdrawn.

(Samarendra Pratap Singh, J)

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