

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No. 813 of 2015

Arising out of

Civil Writ Jurisdiction Case No. 15771 of 2014

Along with

Interlocutory Application No. 3470 of 2015

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Ramashraya Singh, S/o Late Geeta Singh, R/o Village & P.O.- Bihat, Tola -
Maksapur, P.S.- Barauni, District - Begusarai, Bihar.

.... Appellant/s

Versus

1. The State of Bihar.
2. Additional Collector, Begusarai.
3. Circle Officer, Barauni, District- Begusarai.

.... Respondent/s

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Appearance :

For the Appellant/s : None

For the Respondent/s : Mr. Md. Irshad, A.C. to S.C. 1

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 22-08-2016

Re.: Interlocutory Application No. 3470 of 2015

The application is for condonation of delay of 154
days in filing of the appeal.

For the reasons mentioned in the application, we find
that sufficient cause is disclosed for condonation of delay.
Consequently, the delay of 154 days in filing of the appeal is

condoned.

Interlocutory Application stands disposed of accordingly.

Re.: Letters Patent Appeal No. 813 of 2015

The challenge in the present Letters Patent Appeal is to an order dated 23rd of September, 2014 passed by the learned Single Bench of this Court dismissing the writ application challenging the show cause notice dated 16th August, 2014 for cancellation of the entries in the *Jamabandi*.

Learned Single Bench has found that the writ applicant has approached this Court only at the stage of issuance of the show cause notice, therefore, it is not a stage at which this Court should intervene.

The challenge in the writ application is to the show cause notice dated 16th August, 2014 wherein, the appellant has been called upon to produce documents in his support as to why the entries in the *Jamabandi* be not cancelled. Once a notice has been issued, the appellant is at liberty to submit reply and to produce documents in support of his contention. The show cause notice for cancellation of *Jamabandi* cannot be disputed in the writ application when even after cancellation of *Jamabandi*, the appellant might have effective alternative remedy under the Bihar Tenancy Act, 1885.

We do not find any error in the order passed by the learned single Judge which may warrant interference in the present Letters Patent Appeal. The same is therefore, dismissed.

(Hemant Gupta, J.)

(Ahsanuddin Amanullah, J.)

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CAV DATE	N.A.
Uploading Date	
Transmission Date	