

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23230 of 2013

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1. Kameshwar Prasad S/O Late Tota Mahto, Resident of Village+ P.O- Raitar, Police Station- Giriyak, District- Nalanda.
 2. Barti Devi W/O Kameshwar Prasad, Resident of Village+ P.O- Raitar, Police Station- Giriyak, District- Nalanda.
 3. Balgobind Prasad S/O Late Sohrai Mahto, Resident of Village+ P.O- Raitar, Police Station- Giriyak, District- Nalanda.
 4. Brijanandan Prasad S/O Late Sohrai Mahto, Resident of Village+ P.O- Raitar, Police Station- Giriyak, District- Nalanda.
 5. Shiv Shankar Kumar S/O Late Hari Mahto, Resident of Village+ P.O- Raitar, Police Station- Giriyak, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Principal Secretary, Department of Revenue and Land Reforms, Government Of Bihar, Patna.
3. Collector, Nalanda At Biharsharif.
4. Sub- Divisional Magistrate, Rajgir, Nalanda.
5. Deputy Collector, Land Reforms, Rajgir, Nalanda.
6. Anchal Adhikari, Giriyak, District- Nalanda.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Prasad Singh

For the Respondent/s : Mr. Rajesh Kumar, AC to GP-28

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 05-01-2016

Heard the parties.

The present writ petition has been filed on behalf of the petitioners questioning the validity and correctness of a proceeding started under Section 4 (h) of The Bihar Land Reforms Act, 1950 for cancellation of Jamabandi running in the name of the petitioners with respect to the lands in question primarily on the ground of lack of jurisdiction to the respondent SDM. Details of the lands have been given in paragraph-5 of the writ petition.

The learned State counsel appearing on behalf of the respondents submits that now, the aforesaid matter has been referred to the Additional Collector, Nalanda for deciding the case under Section 9 of The Bihar Land Mutation Act, 2011 for the

purposes of cancellation of Jamabandi standing in the name of the petitioners or their ancestors.

The learned counsel appearing on behalf of the petitioners, by way of reply, submits that before passing any final order opportunity of hearing must be given to the petitioners.

In view of the aforesaid submissions, the petitioners are hereby directed to appear before the Additional Collector, Nalanda within a period of one month from today with a certified copy of the present order as also with all supporting documents in support of their claims with respect to the lands in question. If the matter has not been disposed of till date, then the Additional Collector, Nalanda shall consider the documents produced by the petitioners and shall pass appropriate final order after giving them reasonable opportunity of hearing. However, if final order has already been passed, then the petitioners shall be at liberty to challenge that order before the prescribed authority, whereafter the matter shall be decided strictly in accordance with law.

The writ petition stands finally disposed of with the observations and directions made above.

(Birendra Prasad Verma, J)

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