

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.258 of 2016

IN

Civil Writ Jurisdiction Case No. 5926 of 2015

=====

Chulhai Ray Son of Late Rajdeo Ray Resident of village- Saidpur Milki,
Anchal- Morwa, P.S.- Patory, District- Samastipur.

.... Petitioner

Versus

1. The State of Bihar, through Sri Pranav Kumar, The Collector, Samastipur.
2. Sri Sanjay Upadhaya, The Additional Collector, Samastipur.
3. Sri Devendra Prasad Ujjawasl, The Sub Divisional Officer, Sadar, Samastipur.
4. Sri Mahendra Kumar Bharti, The Deputy Collector, Land Reforms, Sadar, Samastipur.
5. Sri Shyam Nndan Rajak, The Circle Officer, Morwa, Samastipur
6. Sri Surendra Rai Son of Late Surya Rai
7. Sri Akhilesh Rai Son of Narayan Rai Both Respondent No.6 and 7 are Resident of village- Saidpur Milki. Anchal- Morwa, P.S.- Patory, District- Samastipur.
8. Sri Pranav Kumar, The District Magistrate-cum-Collector, Samastipur.

.... Opposite Parties

=====

Appearance :

For the Petitioner : Mr. Vikas Kumar, Advocate

For the State : Mrs. Namrata Mishra, GA 13

=====

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 27-04-2016

Heard learned counsel for the petitioner and the State.

An order dated 21.3.2016 as contained in Annexure G has been passed by the Anchala Adhikari, Morwa, stating that though there appears to be encroachment on the concerned land but at the same time Jamabandi has been created in favour of the concerned persons and unless that Jamabandi is recalled or quashed or set aside it would not be possible to pass an order of removal of encroachment,

therefore, a proposal has been directed to be sent to the competent authority for cancelling the Jamabandi under Section 9 of Bihar Land Mutation Act, 2011 and, thereafter, only if such Jamabandi is cancelled, then a process for removal of encroachment could be taken over it.

In my view no wrong appears to be there in the such order having been passed by the authorities. However, it goes without saying that expeditious steps should be taken by the competent authority for disposal of the Jamabandi cancellation case in accordance with law if the same is initiated.

This application stands disposed of.

However, it is made clear that if such proceeding is initiated and not concluded within a reasonable time then the petitioner would have a liberty to approach this Court in a proper proceeding.

(Dr. Ravi Ranjan, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.6.2016
Transmission Date	NA