



IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23792 of 2013
With
Interlocutory Application No.5809 of 2015

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Daya Ram Mahto son of Late Mishri Mahto, resident of Village - Mirjapur,
P.S. - Rosera, District - Samastipur

.... Petitioner/s

Versus

1. The State of Bihar
2. The Collector, Samastipur
3. The Additional Collector, Samastipur
4. The Sub-Divisional Officer, Rosera, District - Samastipur
5. The Deputy Collector Land Reforms Rosera, District - Samastipur
6. The Circle Officer Rosera, District - Samastipur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar, Advocate
For the Respondent/s : Mr. Suboth Kr.Mishra, AC to GP 7
For the Intervenor : Mr. Prince Kr.Mishra, Advocate
Mr.Vinay Mistry, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 04-01-2016

Heard the parties.

The only grievance of the petitioner is that though he has already appeared before the District Collector, Samastipur in Jamabandi Appeal No. 52 of 2013 in the light of the observations made by a Bench of this Court by order dated 16.08.2012 passed in CWJC No. 14901 of 2012 (Annexure-9), but on one pretext or other, the aforesaid Jamabandi appeal is not being disposed of by the District Collector, Samastipur.

Learned counsel appearing on behalf of the petitioner submits that an appropriate direction may be issued to the respondent District Collector, Samastipur for disposal of the aforesaid Jamabandi appeal at an early date.

Though this writ petition was filed way back on 28.11.2013, but despite passage of more than two years, counter affidavit has not been filed by the learned State counsel appearing on behalf of the respondents. However, I.A.No. 5809 of 2015 has been filed by one Usha Purbey for her impleadment as party respondents in the present proceeding.

Learned counsel appearing on behalf of the parties are unanimous in their submissions that the aforesaid Jamabandi Appeal No. 52 of 2013 is still pending before the respondent District Collector, Samastipur and has not been disposed of till date.

In the aforesaid factual matrix of the case, the present writ petition is disposed of with a direction to the respondent District collector, Samastipur to dispose of the aforesaid Jamabandi Appeal No. 52 of 2013 at an early date preferably within a period of three months from the date of receipt/production of a copy of this order. The parties shall be at liberty to raise all the issues of facts and law, which may be available to them, with respect to the lands in question.

In order to expedite the matter, the petitioner as well as the intervenor are directed to appear before the respondent District Collector, Samastipur within a period of one month from today with a certified copy of the present order, whereafter the respondent District Collector, Samastipur shall be obliged to dispose of the aforesaid jamabandi appeal strictly in accordance with law within the period prescribed above, but before passing any final order, an opportunity of hearing must be given to all concerned including the petitioner as also the intervenor.

The writ petition stands finally disposed of with the

observations and directions made above. I.A.No. 5809 of 2015 stands, accordingly, disposed of.

(Birendra Prasad Verma, J)

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