

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.2303 of 2016

In
Civil Writ Jurisdiction Case No.9521 of 2015

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1. The State of Bihar through the Secretary, Planning and Development Department, Government of Bihar, Patna.
 2. The Collector, Begusarai.
 3. The District Development Commissioner, Begusarai, District - Begusarai.
 4. The District Planning Officer, Begusarai District Begusarai.
 5. The Circle Officer, Teghra, District Begusarai.
 6. The Executive Engineer, LAEO, 01 Begusarai District Begusarai.
- Appellant/s

Versus

Arbind Singh Son of Late Chhatradhari Singh Resident of Village and P.O. Barauni Deorhi, Panchayat No. - 3, P.S. - Teghra, District - Begusarai.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Arun Kumar Bhagat, Advocate
For the Respondent/s : Mr.

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 16-10-2017

Seeking exception to an order dated 18.3.2016 passed by the learned Single Bench in C.W.J.C. No.9521 of 2015, this appeal has been filed by the State Government.

Apart from the fact that there is a delay of more than 240 days in filing of the appeal, we find that when the petitioner, respondent herein, filed the writ petition with a grievance that on 2 Katthas of land, which belongs to him and which is recorded as Gairmazarua Malik in his favour, the



learned Writ Court found that even though there is no document available on record to establish this fact and a title suit with regard to the same is also pending, but two factors were established; one that a community hall has been constructed on 2 Katthas of land and the Revenue Authorities have also issued an order showing grant of Jamabandi on the said land in favour of the petitioner for more than 60 years.

Taking note of all these factors and the law laid down by a Bench of this Court in the case of Mayadevi & Ors. Vs. The State of Bihar & Ors.), 2014(3) P.L.J.R. 584, the writ petition was disposed of in the following manner:-

“The writ application is disposed of by directing the respondent Collector to compute and pay fair/adequate compensation to the petitioner for utilizing his land for the construction of public building. Such computation shall be made and paid in favour of the petitioner within two months from the date of receipt/production of a copy of this order before the respondent No.2 (the Collector, Begusarai). In case any step in the meanwhile is taken for annulment/cancellation of the Jamabandi in accordance with law, the time granted hereinabove, shall stand extended to four months.

The writ application is disposed of with the aforesaid observation/direction.”

From the aforesaid, it is clear that option was granted to the State Government to initiate proceedings for



annulment of the Jamabandi and in which case the period of payment of compensation was extended by four months. The State Government had optioned to cancel the Jamabandi in accordance with law and instead of doing so, after a period 240 days of the limitation prescribed for filing this appeal, this appeal has been filed.

Since there is an order of the Revenue Authority creating Jamabandi in favour of the petitioner and the petitioner has been in possession of the land for more than 60 years, the State Government is granted liberty to proceed in accordance with law for cancellation of the Jamabandi, if so advised, within two months from today failing which the compensation, as directed by the learned Writ Court, shall be granted to the writ petitioner.

With the aforesaid this appeal is disposed of.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

K.C.Jha/-

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CAV DATE	
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