

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.338 of 2018

=====

1. Krishna Kumar Rai Alias Janak Rai,
2. Shankar Prasad Yadav,
3. Prabhunath Prasad Yadav, All sons of Shukhdeo Rai, all residents of
Mohalla- Nai Bazar, Near Sadar Hospital Road, P.O. & P.S. Bhagwan
Bazar, District- Saran at Chapra.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Additional Collector, Saran at Chapra.
3. Brij Mohan Singh, Son of Late Ganesh Singh, Resident of Village- Eksar,
P.O. & P.S.- Ekma, District- Saran at Chapra.
4. The Circle Officer, Chapra Sadar, District- Saran at Chapra.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Dubey
For the Respondent/s : Mr. Md.Khurshid Alam -AAG12

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 01-11-2018 Heard Mr. S.S.Dvivedi, learned senior counsel for the
petitioners and Mr. D.K.Sinha, learned senior counsel for the
respondent No.3 and learned counsel for the State-respondent
Nos.1, 2 and 4.

The petitioners have filed this writ petition for issuance of
a writ in the nature of certiorari or any other appropriate
writ/order/direction for quashing the order dated 06.11.2017
passed by the Additional Collector, Saran at Chapra in Jamabandi
Cancellation Case No.8 of 2016 whereby Jamabandi No.533 and
Jamabandi No.121 standing in the name of Bhanu Rai and Smt.



Ram Sundar Kuer @ Ramsawari Kuer was cancelled.

At the outset of the hearing of the writ petition, it appears that the petitioners have got alternative and efficacious remedy as provided under Section 9(5) of the Mutation Act, 2011 itself. The Additional Collector is vested with the power to cancel the Jamabandi, if such Jamabandi is created in violation of any law, instruction, circular issued time to time by the State of Bihar and against the order of cancellation of Jamabandi passed by the Additional Collector, aggrieved person has got remedy by way of appeal before the Collector. On such, Mr. S.S.Dvivedi, learned senior counsel for the petitioners seeks permission to withdraw this writ petition in order to enable the petitioners to file appeal before the Collector. Prayer is allowed. The writ petition is disposed of as withdrawn so that the petitioners may file appeal before the Collector within 30 days from the date of receipt of this order and if such appeal is filed before the Collector, the Collector, Saran shall dispose of the appeal on merit without unsuiting the petitioner on the ground of limitation.

(Prabhat Kumar Jha, J)

Saurabh/-

U			
---	--	--	--

