

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18445 of 2017

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Nilesh Kumar @ Nilesh Kumar Agrawal @ Gulab Chandra Prasad Agrawal
@ Gulab Ji S/o Late Jagarnath Prasad Agrawal, Resident of Registry
Kachahari Road, Mohalla- Shastri Nagar, Near Shiv Mandir, P.S.- Town P.S.,
P.O. and District- Siwan.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Urban development
Department, Government of Bihar, Patna
2. The District Magistrate, Siwan.
3. Senior Deputy Collector, District Information Cell, Siwan.
4. Executive Officer, Nagar Parishad, Siwan.
5. Circle Officer, Town Block, Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Devendra Kumar Sinha, Sr. Adv. With Mr. Ajay Kumar Pandey
For the Respondent/s	:	Mr.S.P.Singh -GA-3

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

4 02-04-2019 Heard learned counsel for the parties.

2. The dispute relates to a piece of land appertaining
to Motfarka No. 1474, admeasuring 12 Katha, 12 dhur under
Thabna No. 231, Siwan, which according to the petitioner was
recorded in the name of his grandfather in the records of right
of the ex-landlord and subsequently of the State of Bihar. It is
the petitioner's grievance that without proceeding for any
acquisition in accordance with law, the Nagar Parishad is
constructing a *pucca* drain over the land. The petitioner is
relying on a Jamabandi created in his name in respect of the



land in question.

3. A counter affidavit has been filed on behalf of the Nagar Parishad stating therein that the drain in question has been in existence for more than 200 years over the land and main sewage for exit of dirty water to Daha River is situated on the land of Siwan Nagar Parishad. The creation of Jamabandi in petitioner's name has also been questioned in the counter affidavit. It has further been stated in the counter affidavit that steps for cancellation of Jamabandi have been taken.

4. It appears, from the submission made at the bar that during the pendency of this application, the Jamabandi created in the name of the petitioner has been cancelled by the Additional Collector, Siwan, by an order dated 03.08.2018 passed in exercise of power under Section 9(1) of the Bihar Land Mutation Act, 2011 (hereinafter referred to as 'the Act').

5. Mr. Devendra Kumar Sinha, learned senior counsel appearing on behalf of the petitioner has submitted that the petitioner has filed an appeal against the order of the Additional Collector under Section 9(6) of the Act before the Collector, Siwan, giving rise to J.C. Appeal No. 136 of 2018-19, which is still pending.

6. Learned counsel appearing on behalf of the



Respondents-State of Bihar has submitted that since the entire case of the petitioner is based on Jamabandi created in his name which has been cancelled, no relief can be granted to him in the present proceeding.

7. In view of the facts as noted above, since the matter is pending before the Collector, Siwan, this writ application is disposed of with an observation that let the appeal preferred by the petitioner giving rise to J.C. Appeal No. 136 of 2018-19 pending before the Collector, Siwan be expeditiously disposed of, preferably within four months from the date of receipt/production of a copy of this order. Depending upon the outcome of the said appeal, the petitioner shall be at liberty to raise his grievance before appropriate forum, in accordance with law.

8. This application stands disposed of.

(Chakradhari Sharan Singh, J)

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