

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12732 of 2015

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Raghunath Singh Son of Laxmi Singh, Residence of Village - Fatepur Atibal,
P.O. P.S. - Kurhani Turki, District - Muzaffarpur.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Secretary, Land Reforms & Revenue Department, Government of Bihar, Patna
2. The Commissioner Tirhut Division, Muzaffarpur.
3. The Collector cum - District Magistrate Muzaffarpur.
4. The Land Reforms Deputy Collector, Muzaffarpur.
5. The Circle Officer, Kurhani Turki, District - Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Pandey
For the Respondent/s : Mr.Madhav Pd. Yadav, GP-23
Mrs. Meera Singh, AC to GP-23

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 07-03-2019 Aggrieved by an order passed by the Commissioner, Tirhut Division, Muzaffarpur dated 07.10.2011, whereby he has affirmed the order of the Deputy Collector Land Reforms, Muzaffarpur, cancelling petitioner's Jamabandi, this writ application has been filed.

In my opinion, the petitioner has remedy under the Bihar Land Tribunal Act, 2009 to make an application before the said order, which appears to be final under the Act.

Learned counsel for the petitioner has relied on a decision of this Court reported in **2014(3) PLJR 584 (Maya**



Devi and others vs. State of Bihar and ors) with reference to paragraphs 6 and 9 to contend that the proceeding for cancellation of Jamabandi itself is beyond jurisdiction. The petitioner can raise this plea which he is raising before the Tribunal, which can be duly considered.

It is, however, indicated that this writ application was filed on 14.08.2015, where after, the matter has remained pending in this Court. In such circumstance, pendency of this application must be excluded for the purpose of computation of period of limitation by the Tribunal, if any application is filed by the petitioner.

It will be open to the petitioner to take recourse to ordinary course of law by filing suit for adjudication of dispute in respect of the title.

This application stands disposed of with the above observation.

(Chakradhari Sharan Singh, J)

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