

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1061 of 2018

In

Civil Writ Jurisdiction Case No.2568 of 2016

=====

Masudan Prasad, son of Late Darsan Mahto, resident of Village- Mora, P.S.
Chhabilapur, District- Nalanda.

... .. Appellant/s

Versus

1. The State of Bihar
2. Additional Collector-Cum Additional District Magistrate, Nalanda.
3. Deputy Collector, Land Reforms, Nalanda.
4. Anchal Adhikari, Rajgir, District- Nalanda.
5. Circle Inspector, Anchal Office, Rajgir, District- Nalanda.
6. Satyendra Prasad
7. Surendra Prasad,
8. Subhash Kumar,
Respondent Nos. 6 to 8 Sons of Late Baso Mahto @ Basudeo Mahto.
9. Panna Lal Sao, son of Late Raghunath Sao
10. Awadhesh Prasad, Son of Late Munshi Mahto
11. Sukan Mahto, Son of Late Devnarayan Mahto
12. Tetari Devi, Wife of Ramchandra Paswan.
13. Uday Chand Sao, son of Sita Ram Sao
All resident of Village- Nekpur, P.O- Nekpur, P.S.- Chhabilapur, District-
Nalanda.
14. Anil Kumar, Son of Ramawtar,
15. Ramdhani Gope, son of Amul Gope.
16. Balvir Yadav, Son of Ramdhani Yadav,
All resident of Village- Kubari, P.O- Nekpur, P.S.- Chhabilapur, District-
Nalanda.
17. Pradip Sao, Son of Parshuram Sao
18. Madhusudan Kumar, son of Vijay Prasad.
19. Binda Chaudhary, Son of Munna Chaudhary
20. Dukhi Mahto, son of Bichhu Mahto
21. Ram Bilas Chaudhary, Son of Baiju Chaudhary.
22. Jagdish Pandit
23. Munni Pandit
24. Dharmendra Pandit
Respondent No.22 to 24 sons of Late Baleshwar Pandit



25. Ashok Prasad
26. Chirmani Prasad,
Respondent nos. 25 and 26 sons of Baleshwar Pandit,
All resident of Village and P.O- Nekpur, P.S.- Chhabilapur, District-
Nalanda.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Uma Shankar Prasad, Sr. Advocate
Mr. Kamala Kant Tiwary, Advocate
For the Respondent/s : Mrs. Nutan Sahay, A.C. to AAG-12

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 22-11-2019

Heard learned counsel for the appellant and learned
counsel for the respondents.

Appellants have preferred the present appeal against
the order dated 09.07.2018 passed by a learned Single Judge of
this Court in C.W.J.C. No. 2568 of 2016, whereby and
whereunder the learned Single Judge has dismissed the writ
application on the ground that there is a provision of statutory
appeal against the order passed by Additional Collector in a
Jamabandi Cancellation case.

Learned counsel for the State states that the appellant
has got a statutory remedy, which he must exhaust in accordance
with law, as directed by the learned Single Judge in the



impugned order dated 09.07.2018 passed in C.W.J.C. No. 2568 of 2016, titled as Masudan Prasad Vs. The State of Bihar & Ors.

On the other hand, Shri Uma Shankar Prasad, learned senior counsel states that it is the appellant's apprehension that the said authority may not fully examine the record and pass an order in a cursory manner.

Well, we see no reason why the Appellate Authority, which is mandatorily required to pass orders in accordance with law, would not examine the material so placed by the parties before the authority which had passed the order, which, in the instant case, is the Additional Collector.

Learned counsel for the appellant states that the appellant shall file an appeal within a period of four weeks from today.

Learned counsel for the respondents further states that since the appellant had been pursuing the remedy before this Court, the State shall not raise the objection of limitation.

We direct the authority concerned to consider and decide the appeal so filed by the appellant expeditiously, preferably within a period of nine months from the date of filing of the appeal, after giving due opportunity of hearing to all concerned.



The Letters Patent Appeal is accordingly disposed of
with the aforesaid direction.

(Sanjay Karol, CJ)

(Dinesh Kumar Singh, J)

P.K.P./-

AFR/NAFR	
CAV DATE	
Uploading Date	25.11.2019
Transmission Date	

