

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.982 of 2019

1. Abdurrasid Son of Late Mahater Ali Resident of Village-Belka, P.O.-Dalmalpur, Thana-Amour, District-Purnia.
2. Md. Shahid, Son of Late Mahater Ali Resident of Village-Belka, P.O.-Dalmalpur, Thana-Amour, District-Purnia.
3. Md. Hasim @ Hasim Son of Late Mahater Ali Resident of Village-Belka, P.O.-Dalmalpur, Thana-Amour, District-Purnia.
4. Md. Amrul @ Amrul Son of Late Khalil Resident of Village-Belka, P.O.-Dalmalpur, Thana-Amour, District-Purnia.
5. Nazim Son of Late Kaphil Resident of Village-Belka, P.O.-Dalmalpur, Thana-Amour, District-Purnia.
6. Aajam Son of Late Kaphil Resident of Village-Belka, P.O.-Dalmalpur, Thana-Amour, District-Purnia.
7. Md. Meraj @ Mehraj Son of Late Abdurrakib Resident of Village-Belka, P.O.-Dalmalpur, Thana-Amour, District-Purnia.
8. Md. Noiraj @ Md. Nouraj Alam, Son of Late Abdurrakib Resident of Village-Belka, P.O.-Dalmalpur, Thana-Amour, District-Purnia.
9. Md. Ekbal @ Akbal Son of Late Abdul Hamid Resident of Village-Belka, P.O.-Dalmalpur, Thana-Amour, District-Purnia.
10. Most. Khushbani, Wife of Late Majahir Alam Resident of Village-Belka, P.O.-Dalmalpur, Thana-Amour, District-Purnia.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The Collector, Purnia, District Purnia.
3. The Additional Collector, Purnia, District Purnia.
4. The Circle Officer, Block Amour, District Purnia.
5. The District Fisheries Officer District Fishery Office, Ferbisganj, P.S. K.Hat, District-Purnia.
6. Munuru Mahaldar, Son of Late Chhunguri Mahaldar, Resident of Village-Belka, P.O.-Dalmalpur, Thana-Amour, District-Purnia.
7. Sri Ram Prasad Singh Son of Sri Bharat Lal Singh R/o Village- Pothia, P.S. Tarouna, Purnia, District-Purnia.
8. Mantri Prakhand Matsyajivi Sahyog Samiti Ltd. P.S. Amour, District-Purnia.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Wasi Ahmad Khan
For the State	:	Mr.Md.Khurshid Alam, AAG 12
		Mr. Fakhruddin Ali Ahmad, AC to AAG 12



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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 18-07-2019 An order of the Additional Collector, Purnia, passed in Misc. Case No. 14 of 2016-17, in exercise of the power under Section 9(1) of the Bihar Land Mutation Act, 2011 (for short 'the Act'), whereby the *Jamabandi* created in favour of the petitioners in respect of the lands, in dispute, has been cancelled, is under challenge.

The petitioners have remedy under Section 9(6) of the Act, by filing an appeal.

The impugned order was passed on 28.05.2018 and clause (a) of sub-section (6) of Section 9 of the Act prescribes a time limit of thirty days, within which an appeal is to be filed.

Since the petitioners have statutory remedy of appeal, which they have not availed, this writ application is disposed of with an observation that the petitioners shall have liberty to approach the appellate authority by making an appeal under sub-section (6) of Section 9 of the Act. Apparently, if any appeal is preferred against the impugned order before the appellate authority, the same shall be time-barred. Clause (b) of sub-section (6) of Section 9 of the Act empowers the appellate authority to condone the delay, if justifiable reasons are shown



to him.

Considering the facts and circumstances, it is also observed that if any appeal is preferred within one month from today, with an application for condonation of delay, the appellate authority, while considering the application for condonation of delay, shall keep in mind the fact that the petitioners were pursuing their remedy before this Court by filing the present writ application, which remained pending in this Court. It is indicated that the appellate authority should consider the application for condonation of delay liberally, in the facts and circumstances of the case.

(Chakradhari Sharan Singh, J)

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