

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17712 of 2019

=====

Sudha Singh Wife of Late Ashok Kumar Singh Resident of Mission House,
Mission Compound under ward no.30 of Saharsa Nagar Parishad, P.S.
Saharsa, District Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Land Reforms and Revenue, Govt. of Bihar, Patna.
2. The Collector, Saharsa.
3. The Additional Collector, Saharsa.
4. The Deputy Collector, Land Reforms, Saharsa.
5. The Circle Officer, Saharsa.
6. Sidharth Kumar Singh Son of Prashant Kumar Singh Resident of Mission House, Mission Compound, Ward No.30 of Saharsa Nagar Parishad, P.S. Saharsa, District- Saharsa.
7. Manorma Singh @ Manorma Devi Wife of Late Tarkeshwar Prasad Singh Resident of Village Rakia, P.S. Bihara, District Saharsa and presently residing at Mission House, Mission Compound under Ward No.30 of Saharsa Nagar Parishad, P.S. Saharsa, District Saharsa.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Shakti Suman Kumar
For the Respondent/s : Mr.Md.Khurshid Alam (AAG12)

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 29-08-2019 Heard both sides.

The petitioner by filing this writ petition seeks quashing of order dated 22.06.2019(Annexure-6) passed by Additional Collector, Saharsa in Jamabandi Cancellation Case No.195 of 2018 by which the Jamabandis standing in the name of the petitioner and her late husband have been cancelled.

Learned counsel for the petitioner submits that mother-in-law of the petitioner filed Jamabandi Case No.90 of



2017 against the order mutating the name of the petitioner with regard to the lands standing in the name of the husband of the petitioner. Nephew of the husband of the petitioner filed Jamabandi Cancellation Case No.195 of 2018 and the Additional Collector by order dated 22.06.2019 call for the record of Jamabandi Appeal(Jamabandi Case) No.90 of 2017. The Additional Collector cancelled all three Jamabandis standing in the name of the petitioner and her husband holding that partition suit is pending between the parties and the C.O. may mutate the names and pass the appropriate order after disposal of partition suit.

On the face of it, it appears that Jamabandi Appeal(Jamabandi Case) No.90 of 2017, which was pending before the D.C.L.R., Saharsa and the record of which was called for by the Additional Collector, Saharsa, has not been disposed of in Jamabandi Cancellation Case No.195 of 2018 and, therefore, the contention of the learned counsel for the petitioner that both the cases have been disposed of by this common order does not find support from the order passed by the Additional Collector. Of course, once the Jamabandis standing in the name of the petitioner and her husband are cancelled, the Jamabandi Appeal filed by the mother-in-law of the petitioner against the



order of C.O. mutating the names of the petitioner with regard to the land standing in the name of her husband became infructuous.

There is a provision under Section 9(6)(a) of Bihar Land Mutation Act, 2011 that any order passed by Additional Collector in Jamabandi Cancellation Case is appealable before the Collector, on such, learned counsel for the petitioner seeks permission to withdraw this writ petition with liberty to present appeal before the Collector. The prayer is allowed. This writ petition is disposed of as withdrawn with liberty to the petitioner to file appeal before the Collector. If any appeal is filed before the Collector, the Collector shall hear the appeal on merit within a reasonable time without unsuiting the petitioner on technical ground, such as limitation.

(Prabhat Kumar Jha, J)

Saurabh/-

U			
---	--	--	--

