

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12002 of 2017

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1. Md. Rehan son of Abdul Kuddush resident of Mohalla Azad Nagar, ward no. 20, Police Station and District Araria.
 2. Rafat Khatoon wife of Abdul Kuddush resident of Mohalla Azad Nagar, ward no. 20, Police Station and District Araria.
 3. Md. Reza son of Abdul Kuddush resident of Mohalla Azad Nagar, ward no. 20, Police Station and District Araria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue Department, Bihar, Patna
2. The Collector, Araria.
3. The Additional Collector, Araria.
4. The Sub-Divisional Officer, Araria.
5. The Anchal Adhikari, Block Araria, within the district of Araria.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. D.K.Sinha, Sr. Advocate Mr.Rama Nand Poddar
For the State	:	Mr.Sajid Salim Khan -SC-25

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

6 15-04-2019 By the impugned order dated 05.06.2017, the Additional Collector, Araria has cancelled the *Jamabandi* created in favour of the petitioners, exercising his power under Section 9(1) of the Bihar Land Mutation Act, 2011, after reaching a definite conclusion that the land appertaining to Khata No. 388, Khesra No. 1033, area 5.00 acre forms part of a chunk of the land admeasuring 49.30 acre, which was to be mutated in the name of the State of Bihar, in the light of an



order dated 31.10.1969, passed by the Additional Collector-cum-Special Officer, Revenue, Purnia in Case No. 986/1968-69/6708/1965 under Section 108 of the Bihar Tenancy Act, 1885. The said order has been passed after issuance of a notice to the petitioners, which has been brought on record by way of Annexure-8 to this writ application.

Upon perusal of Annexure-8, I find that the Additional Collector had recorded the reasons why *Jamabandi* created in the name of the petitioners ought not to be cancelled. The reasons given in the show cause notice were manifestly specific and clear.

Learned counsel, appearing on behalf of the petitioners, after some arguments, seeks permission to withdraw this writ application with a liberty to the petitioners to question the correctness of the order dated 05.06.2017, passed in *Jamabandi Cancellation Case No. 259/2016-17* by the Additional Collector, Araria, by filing an appeal, on the merits of the case.

This writ application is permitted to be withdrawn with a liberty to the petitioners to prefer an appeal before appropriate appellate authority. If any appeal is filed within four weeks from today and any question of limitation arises before



the appellate authority, the appellate authority shall keep in mind the fact that the petitioners were pursuing their remedy before this Court by filing the present writ application, while considering any application for condonation of delay.

(Chakradhari Sharan Singh, J)

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