

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21998 of 2019

=====

Devanti Devi, Aged about 71 years, Female, W/o Rajendra Prasad, Resident of village Katrisarai, P.S. + P.O. Katrisarai, District Nalanda.

... .. Petitioner

Versus

1. The State of Bihar through the Commission-Cum-Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The Collector, Nalanda.
3. The Additional Collector, Nalanda.
4. The DCLR, Nalanda.
5. The Circle Officer (Anchal Adhikari), Katrisarai, P.S. Katrisarai, District Nalanda.

... .. Respondents

=====

Appearance :

For the Petitioner/s : Mr. Samir Kumar
For the Respondent/s : Mr. Raj Kishore Roy (Gp18)

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 13-11-2019 Heard Mr. Ganpati Trivedi, the learned Senior counsel appearing on behalf of the petitioner and the learned counsel for the State.

The petitioner seeks relief for quashing the order dated 23.02.2019, passed by the Additional Collector, Nalanda in Jamabandi Cancellation Case No.2 of 2009-10 by which the Jamabandi with regard to the land including Plots No.3801 and 3802 of Khata No.193 standing in the name of the vendor of the petitioner has been cancelled.

Mr. Ganpati Trivedi, the learned Senior counsel for the petitioner submits that the petitioner purchased the lands from Anil Kumar and got his name mutated but the petitioner was not noticed.



The petitioner is in possession of the land and now the Government is bent upon to dispossess the petitioner on the ground that the lands with regard to which the Jamabandi was opened in the name of the vendor of the petitioner is mentioned as Gair Mazarua Malik.

From the facts, it appears that the proceeding for cancellation of Jamabandi was initiated against the vendor of the petitioner and the vendor of the petitioner was heard and order was passed. The vendor of the petitioner has already moved before the appellate authority, i.e., the Collector and, therefore, I am of the view that the petitioner, who is well aware of the fact that his vendor has already filed appeal, may file petition to intervene in the appeal and also the petitioner may pray for interim relief from being dispossessed before the Collector as the petitioner has got efficacious and alternative remedy.

Having considered the facts, I dispose of this writ petition with the aforesaid liberty to the petitioner to move before the Collector to intervene and seek interim relief from being dispossessed. The Collector shall hear the petitioner and dispose of the petition of the petitioner expeditiously.

(Prabhat Kumar Jha, J)

S.KUMAR/-

U			
---	--	--	--

