

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21189 of 2018

1.Sanjeev Kumar
2. Rajiv Kumar @ Rajiv Kumar Shrestha
Both sons of Late Dhruhb Narayan Sheristha, residents of Village-
Nepalitola, P.O.-Ramnagar, P.S. Ramnagar, District-West Champaran.

... .. Petitioners

Versus

1. The State of Bihar through the Secretary, Department of Revenue and Land Reforms, Patna
2. The Collector, West Champaran At Bettiah
3. The Additional Collector, West Champaran, Bettiah.
4. The Sub-Divisional Officer, West Champaran.
5. The Circle Officer, Ramnagar, District- West Champaran.

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Mukesh Kant
For the Respondent/s : Mr.Raj Kishore Roy

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 21-11-2019 Heard Sri Mukesh Kant, learned counsel appearing
on behalf of the petitioner and learned Govt. Pleader no.18.

The petitioner has filed the present writ petition for quashing the order dated 21.08.2018 passed by the respondent Additional Collector, West Champaran at Bettiah in Jamabandi Cancellation Case No.60 of 1916-17(Annexure-1 to the writ petition).

Learned counsel for the petitioner submits that the Additional Collector has cancelled Jamabandi, opened in the name of father of the petitioners 57 years ago. It was further submitted that the land in question has been continuing in their



possession. But it appears that there is alternative efficacious and alternative remedy before the Collector against the order of the Addl. Collector cancelling the Jamabandi. Jamabandi was cancelled on the ground that the land was recorded as Gairmazarua Pain and Jamabandi no.206 was created in the name of Dhrub Narayan Shrestha, but no order was found creating Jamabandi in the name of Dhrub Narayan Shrestha.

Accordingly, the writ petition is disposed of giving liberty to the petitioners to file an appeal against the order dated 21.08.2018 passed in Jamabandi Cancellation Case No.60 of 1916-17 by the Addl. Collector, West Champaran at Bettiah as provided under Section 9(6) of the Bihar Land Mutation Act. If such appeal is filed by the petitioners, the Collector, West Champaran shall hear the matter on merit. It is made clear that the period consumed in the present writ petition i.e. from 29.10.2018 till date, shall be excluded, while considering the limitation matter.

(Prabhat Kumar Jha, J.)

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