

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4247 of 2019

Methodist Church in India

... .. Petitioner/s

Versus

The State of Bihar and Ors

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Kamal Nayan Chaubey Mr. Dineshwar Pandey Mr. Shashank Shekhar Dubey Mr. Ashok Kumar Garg Mr. Ambuj Narayan Chaubey
For the Respondent/s	:	Mr. Raj Kishore Roy (GP18)

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 22-09-2022

I.A. No. 2 of 2019

This interlocutory application has been preferred on behalf of the petitioner for addition of additional reliefs in the prayer portion of the instant writ application being C.W.J.C. No. 4247 of 2019.

For the reasons mentioned above this Interlocutory Application is allowed.

Re:- C.W.J.C. No. 4247 of 2019

The following prayer has been made in Paragraph 10 of the Interlocutory Application:-

“1. (iv) Issuance of an appropriate writ, order of direction in the nature of writ of certiorari quashing and setting aside the order dated 02.04.2019 in Jamabandi Cancellation Case No.



03 of 2018-2019.

1. (v) Issuance of an appropriate writ, order or direction interdicting the Respondents, their agents or assigns from interfering in the right, title, interest and possession of the Petitioner during pendency of the instant writ application before this Hon'ble Court."

The prayer in Paragraph 10 of the amendment petition shall be treated as to be a part of the main application and the office is directed to add the amended prayer in the writ petition.

The dispute in question in the writ petition is the creation of Jamabandi by an officer not empowered for the same and because of the same the Jamabandi has been cancelled by the Additional Collector, Buxar in Jamabandi Cancellation Case No. 3 of 2018-2019.

Learned Senior Counsel Mr. K.N. Chaubey appearing for the petitioner takes the line of least resistance and submits that he will be satisfied if the DCLR is directed to consider the case of the petitioner after the petitioner files an application for creation of Jamabandi in favour of the petitioner and the same may be directed to be decided expeditiously.

The learned counsel for the State has no objection to the prayer of the learned senior counsel as the petitioner has



prayed only for consideration of his prayer for creation of Jamabandi by the DCLR.

Considering the above submission of the parties the petitioner is directed to move to the concerned DCLR for creation of Jamabandi within three weeks from today and once an application for creation of Jamabandi is filed before the DCLR, Buxar, the DCLR, Buxar will decide the same within another eight weeks and dispose of the same after hearing the parties in accordance with law.

The DCLR will not be prejudiced by the order of the Additional Collector, Buxar as the same is an illegal order but this Court is not entering into the merits of the order because no purpose will be served.

It is directed that during the pendency of the matter before the DCLR, the land belonging to the petitioner Church cannot be transferred by anybody.

(Sandeep Kumar, J)

Vikas/Sunny

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