

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4013 of 2022

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Jai Prakash Yadav S/o Nathun Yadav Resident of Mohalla - Ali Nagar, P.O.
and P.S. - Biharsharif, District- Nalanda - 803101.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Collector, Nalanda.
2. The Deputy Collector Land Reform, Biharsharif, Nalanda.
3. The Block Development Officer, Biharsharif, Nalanda.
4. The Sub- Divisional Officer, Biharsharif, Nalanda.
5. The Child Development Project Officer, Nalanda.
6. The Circle Officer, Biharsharif, Nalanda.
7. The Municipal Commissioner, Municipal Corporation, Biharsharif, Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Surendra Kishore Thakur,Advocate
For the Respondent/s : Mr.Sajid Salim Khan,SC-25

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 02-11-2022 The present writ petition has been filed seeking the
following reliefs:-

*“1(i) For issuance of writ in the appropriate nature
for quashing of the office order contained in Memo
No. 77 dated 28.01.2022 whereby the Sub-
Divisional Officer, Biharsharif, Nalanda has issued
a letter appointing a Magistrate for removal of
encroachment and for vacating the land in question
bearing Khata No. 153 Plot No. 1143 without
considering that no encroachment proceeding was
initiated, no notice inviting show cause was issued
nor till date Jamabandi standing in the name of the
petitioner has been cancelled and taking the law in*



their hand trying to take possession evicting the petitioner from the land in question.

(ii) For further direction to the Respondent authorities not to dispossess the petitioner from the land in question without following the rules or cancelling the Jamabandi standing more than decades.

(iii) For further direction to the Respondent authorities to dispose of the representation of the petitioner by reasoned and speaking order giving an opportunity of personal hearing within time framed.”

At the outset, the learned counsel appearing for the respondent-State, by referring to the counter affidavit filed in the present case, has submitted that a jamabandi cancellation proceeding vide Jamabandi Cancellation Case No. 97 of 2022 is pending adjudication before the Additional Collector, Nalanda, qua the petitioner herein, however since the same has neither been taken to its logical conclusion nor any final order has been passed till date, the respondents, at the moment, do not propose to disturb the petitioner from the land in his possession, admeasuring 0.45 decimals.

In such view of the matter, this Court finds that the aforesaid order dated 28.01.2022 issued by the Sub-Divisional Officer, Biharsharif, Nalanda stands redundant qua the



petitioner herein.

It is needless to state that any action to be taken by the respondent-State shall be taken in accordance with law, subject to the outcome of the jamabandi cancellation proceedings.

The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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