

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.212 of 2022

In
Civil Writ Jurisdiction Case No.282 of 2022

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Prabhat Kumar S/o Late Nandlal Prasad Resident of Village- Kunwa, P.O.-
Bara Chakia, P.S.- Chakia, District- East Champaran.

... .. Appellant/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Revenue and Land Reforms, Govt. of Bihar, Patna.
2. The Additional Chief Secretary, Department of Revenue and Land Reforms, Govt. of Bihar, Patna.
3. The Collector, East Champaran at Motihari.
4. The Additional Collector, East Champaran at Motihari.
5. The Deputy Collector, Land Reforms, Chakia, District- East Champaran at Motihari.
6. The Circle Officer, Chakia, East Champaran at Motihari.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Madhu Prasun
For the Respondent/s : Mr .Md. Khurshid Alam (AAG12)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

and

HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 29-06-2022

Heard the learned counsel for the appellant and the respondents.

The appellant has challenged the order dated 25.03.2022 passed in C.W.J.C No. 282 of 2022, whereby the learned Single Judge has refused to issue direction to the Additional District Collector, East Champarn at Mohtihari to



decide the Jamabandi Cancellation Case, which is pending since 2015.

It appears from the order that such a request was not acceded to for the reason that it might amount to an interference in day to day proceedings of a Quasi Judicial authority, which may not be in the interest of justice.

The appellant had purchased the land from two vendors who had sold the property from the stock of their ancestral Khatiyani property. When the appellant wanted to have the land mutated in his name, on the objection of one Shambu Chaudhary, the Circle Officer rejected such request of the appellant. In the meantime, one of the vendors preferred a petition before the Additional Collector, Motihari for cancellation of Jamabandi No. 111 of 2015 which has remained pending since then. It further appears from the records that the Additional Collector had constituted a Five-Members' Committee *vide* his order dated 18.03.2021 to make an inquiry over the issue of possession of land. The aforesaid committee has submitted its report. Despite that, the Jamabandi Cancellation Case is still pending.



Under such circumstances, modifying the order of the learned Single Judge, we direct the Additional District Collector to conclude the Jamabandi Cancellation Case, within a period of four months positively, failing which an adverse view shall be taken on the functioning of office of the Additional Collector.

With the aforesaid observation/direction, this appeal stands allowed and disposed off accordingly.

(Ashutosh Kumar, J)

(Jitendra Kumar, J)

skm/-

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