

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2844 of 2020

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1. Arjun Mandal, Son of Late Vigan Mandal, Resident of Village- Naya Gaon, P.S.- Gidhaur, Dist.- Jamui.
 2. Upendra Mandal, Son of Late Vigan Mandal, Resident of Village- Naya Gaon, P.S.- Gidhaur, Dist.- Jamui.
 3. Devendra Mandal, Son of Late Kishun Mahto, Resident of Village- Naya Gaon, P.S.- Gidhaur, Dist.- Jamui.
 4. Rampravesh Kumar Mandal, Son of Devendra Mandal, Resident of Village- Naya Gaon, P.S.- Gidhaur, Dist.- Jamui.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna.
2. The District Collector, Jamui, District- Jamui.
3. The Additional District Magistrate, Jamui.
4. The Circle Officer, Barhat, Jamui.
5. The Block Development Officer, Barhat, Jamui.

... .. Respondent/s

Appearance :

For the Petitioners	:	Mr. Harmendra Kumar, Sr. Advocate Mr. Manas Prakash, Advocate Mr. Ankit Kumar, Advocate
For the State	:	Mr. Raj Kishor Roy, G.P-18 Mr. Mukul Prasad, A.C. to G.P-18

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

7 22-02-2023 Heard learned Senior Counsel for the petitioners and

learned counsel for the State.

The petitioners have filed the instant application for
the following relief:

*“(1) For quashing of order dated 05.09.2019
passed by the Court of Additional District
Magistrate, Jamui whereby and where under
the learned Additional District Magistrate,
Jamui in Cancellation of Jamabandi
Proceeding under Section-9 of the Bihar land*



Mutation Act, 2011 in Case No.-35 of 2018, has cancelled Jamabandi No.- 281 & 509 having area of around 20.89 acres and 8.30 acres respectively, of khata no.- 224, having Kheshra No.- 2195, which was created more than 90 years back and having possession till that, in summary quasi judicial proceeding, which is beyond the jurisdiction of the Ld. Additional District Magistrate under the aforesaid act.”

At the outset, it is submitted by learned counsel appearing on behalf of the State that the petitioners have an alternate and efficacious remedy under the Bihar Mutation Act, 2011.

Having heard learned counsel for the parties, the instant writ application is disposed of giving liberty to the petitioner to move before the appropriate authority/forum under section 9(6) the Bihar Mutation Act, 2011.

If such an appeal/application/revision is preferred by the petitioners under the aforesaid provision within a period of four weeks from today, the authority concerned while considering the petition for condonation of delay shall take into consideration the period for which the instant application was pending before this Court.

It may further be observed that by order dated 4.7.2022 passed in the instant case, the operation of the order



dated 5.9.2019 passed in Jamabandi Cancellation Case no. 35 of 2018 by the Additional District Magistrate, Jamui had been stayed.

In case, the appeal/application/revision as stated above is preferred by the petitioner before the authority within a period of four weeks from today, the interim order granted by this Court shall continue till the date of first hearing of the case filed by the petitioners.

(Partha Sarthy, J)

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