

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5861 of 2018

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Jiwan Lal Agrawal son of Late Biseshwar Lal Agrawal, resident of village and Post- Mahadevpur, Police Station- Pranpur District- Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Collector cum the District Registration Officer, Katihar, District- Katihar.
3. The Deputy Collector, Land Reform, Katihar, District- Katihar.
4. The Circle Officer, Pranpur, District- Katihar.
5. Smt. Sunita Devi Gupta, Wife of Binod Kumar Gupta, resident of village and Post- Mahadevpur, Police Station- Pranpur, District- Katihar.
6. Binod Kumar Gupta, Son of Rameshwar Lal Gupta, resident of Village and Post- Mahadevpur, Police Station- Pranpur, District- Katihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajendra Prasad Sah, Advocate
For the Respondent/s : Mr. Sajid Salim Khan-SC25

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 01-05-2023 1. Heard learned counsel for the petitioner and
learned counsel for the respondents.

2. The petitioner has filed the instant application
for the following reliefs:

“i) For issuance of writ in the nature of mandamus directing the respondents to dispose of the representation dated 14.10.2017 commanding the respondents to initiate a proceeding for cancellation of Jamabandi and Registered lease deed arising out of transfer of the lands by Purcha holder as detailed/described in letter No.390 dated 18.3.2015 respectively by



D.C.L.R. and District Collector, Katihar in view of the directions issued by Principal Secretary Revenue and Land Reforms, Government of Bihar, Patna through letter no.7/ Bedakhali (Misc.) 21/14210/State dated 18.2.2015 and for further commanding the respondents to cancel Jamabandi and Purcha in respect of Mouza Sakraily, Thana-204, Khata - 19, Khesra-06 and area 0.10 decimal.

ii) For issuance of writ in the nature of certiorari setting aside to the collusive report vide letter no.390 dated 18.3.2015 issued on the basis of aforementioned Registered lease deed arising out of transfer of the lands by Purcha and Jamabandi as described in the report contained in the said letter.

iii) For issuance of any other appropriate writ(s), order(s), direction(s) as your lordships may find suitable in the facts and circumstances of this case.”

3. Learned counsel for the petitioner submits that the main prayer in the instant writ application on behalf of the petitioner is for directing the respondents to initiate proceeding for cancellation of jamabandi and all the other prayers are connected thereto.

4. Having heard learned counsel for the parties and taking into consideration the nature of averments made in the writ application, the writ application is disposed of giving liberty to the petitioner to file an appropriate application under



section 9 of the Bihar Land Mutation Act, 2011 before the Additional Collector.

5. If the same is filed within a period of four months from today, the Additional Collector concerned shall dispose of the same in accordance with law after issuing notice and hearing all the concerned parties at the earliest preferably within a period of six months from the date of its filing.

6. It is clarified that the Court has not entered into the merits of the case of the petitioner/parties which is for the Additional Collector concerned to adjudicate upon.

7. This application stands disposed of with the above observations and directions.

(Partha Sarthy, J)

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