

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2187 of 2022

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Sunil Kumar son of Late Jagdish Prasad, Resident of Village and P.O.-
Bhobhi, P.S.-Nagarnausa, District-Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Nalanda.
3. The Additional Collector, Nalanda.
4. The Circle Officer, Nagarnausa, P.O. and P.S.-Nagarnausa, District-Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bipin Bihari Singh
For the Respondent/s : Mr. Rishi Raj Sinha (Sc19)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 03-11-2023 Heard learned counsels for the parties.

2. This writ petition has been filed for quashing the order dated 11.01.2022 passed by Additional Collector, Nalanda in Jamabandi Cancellation Case No. 81/ 2021 canceling the Jamabandi in name of petitioner under Khata No. 88, Khesra No. 385 and under Khata No. 88, Khesra No. 398 without appreciation of facts, law and arguments advanced on his behalf especially the transfer of land through Hukumnama by Ex-Landlord and consequently creation of Jamabandi and Rent Receipts in favor of Janak Dulari Devi and further the execution of Deed by said Janak Dulari Devi in favor of his father and creation of Jamabandi, issuance of Rent Receipt up-to-date,



Land Possession Certificate (L.P.C.) by revenue authority repeatedly and further declaration of Title by the learned Court at Hilsa vide order-dated 26th September, 2007 in Title Suit No. 45 of 1997 Smt. Shanti Devi & Ors Versus Shyam Narayan Prasad, whereas, all the documents are under the domain of authority as an author and binding for all purposes and as such the entire exercise of respondent authorities are faulty. defective, excessive and divorce with law, which can't be allow to sustain rather it is fit to be set aside and possession of the land as it was on or before the adverse order dated 11.01.2022 .

3 . However, learned Counsel for the State appears and raises preliminary objections to the effect that an alternative remedy is available to the petitioner with regard to the grievance of the petitioner by way of appeal under sub clause 6 of section 9 of of the “Bihar Land Mutation Act”, 2011 , which reads as follows:-

(6) (a) An Appeal against the order of the Additional Collector shall lie with the Collector of the district within thirty (30) days of the order appealed against.

(b) The Collector of the district may condone the delay in filing appeals provided he is satisfied that there are sufficient reasons for the delay.

(c) The Collector of the district shall not pass any order modifying, altering or setting aside the order appealed against unless the concerned parties have been



given a reasonable opportunity of being heard.

4. Learned Counsel for the petitioner does not dispute the above proposition of law .

5 . No reason has been assigned as to why this writ petition should be entertained by this Court under Article 226 of the Constitution despite petitioner having statutory remedy of appeal against the impugned order.

6. Accordingly, this writ petition is disposed of with liberty to take up the matter before the concerned authority as provided under section as above .

7. It goes without saying that if any question of limitation arises before the competent authority, the same shall be considered, taking into consideration the fact that the petitioner was pursuing the issue before this Court.

(Prabhat Kumar Singh, J)

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