

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4557 of 2023

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Pappu Mishra Son of Late Vidya Mishra @ Vidya Prasad Mishra, Resident of Mohalla-Khushkibagh, P.S.-Sadar, District-Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Land and Revenue, Government of Bihar, Patna.
2. The Principal Secretary, Department of Land and Revenue, Government of Bihar, Patna.
3. The Divisional Commissioner, Purnea.
4. The District Magistrate, Purnea.
5. The Deputy Collector Land Reforms, Purnea.
6. The Circle Officer, Purnea East, Purnea.
7. Parmanand Gupta, Son of Late Ganga Prasad Gupta, Resident of Mohalla-Khushkibagh, P.s.-Sadar, District-Purnea.
8. Pradip Gupta, Son of Late Ganga Prasad Gupta, Resident of Mohalla-Khushkibagh, P.s.-Sadar, District-Purnea.
9. Dilip Gupta, Son of Late Ganga Prasad Gupta, Resident of Mohalla-Khushkibagh, P.s.-Sadar, District-Purnea.
10. Ashok Gupta, Son of Late Ganga Prasad Gupta, Resident of Mohalla-Khushkibagh, P.s.-Sadar, District-Purnea.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Choudhary, Sr. Adv.
	:	Mr. Amish Kumar, Adv.
	:	Mr. Shantanu Kumar Singh, Adv.
	:	Mr. Shankar Kumar Choudhary, Adv.
	:	Mr. Krishna Chandra Jha, Adv.
	:	Mr. Prabhakar Thakur, Adv.
For the Respondent/s	:	Mr. Raj Kishore Roy, GP-18.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 09-08-2023 Heard Mr. Ashok Kumar Choudhary, learned Senior Counsel with Mr. Amish Kumar, learned counsel for the petitioner and learned counsel for the State.

2. Learned senior counsel for the petitioner submits that



the land of petitioner has illegally been encroached at the hands of private respondent nos.7 to 10 in connivance of the State authorities. By way of Annexure No.2 of the writ petition, the stand of petitioner is that wrong Jamabandi has been created by the private respondents and thereafter they are taking possession of the land of petitioner.

3. Learned counsel for the State submits that the petitioner has statutory remedy under the Bihar Land Mutation Act, 2011 (Bihar Act 23 of 2011).

4. Upon perusal of the pleadings made in the writ petition, it transpires that the real remedy of petitioner is firstly to cancel the illegal Jamabandi and then to proceed further. For the purpose of cancellation of Jamabandi there is special provision under Section 9 of the Bihar Land Mutation Act, 2011 (Bihar Act 23 of 2011).

5. In this view of the matter, the present Writ Petition stands disposed off granting liberty to the petitioner to avail his remedy under the Bihar Land Mutation Act, 2011 (Bihar Act 23 of 2011).

(Dr. Anshuman, J.)

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