

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8384 of 2021

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Danish Alam son of Md. Akhtar Hashan At and P.O. Pipra Latif, PS- Parbatta,
District- Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Government of Bihar Patna.
2. The Collector Khagaria.
3. The Additional Collector Khagaria.
4. The Circle Officer, Parbatta, Khagaria.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Majid Mahboob Khan
For the Respondent/s : Mr.Sajid Salim Khan, SC-25

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

7 05-12-2023 Heard learned counsel for the petitioner and State.

2. This writ application has been filed for setting aside order dated 09.07.2020 passed by the Additional Collector, Khagaria in Jambandi Cancellation Case No. 117 of 2020 whereby the Additional Collector has cancelled the Jamabandi of land in question of the petitioner.

3. Learned counsel for the State appears and raises preliminary objection to the effect that against the order impugned, petitioner has got statutory / alternative remedy of appeal before the District Collector in terms of Section 9(6)(a) of the Bihar Land Mutation Act, 2012, which reads as follows:

***“9(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.”

5. Learned counsel for the petitioner does not dispute the above proposition. However, he requests for disposal of the writ application granting liberty to the petitioner to file appeal before the District Collector in accordance with law.

6. If such appeal is filed before the authority concerned within a period of six weeks from today, the authority concerned shall dispose of the same after hearing the parties in accordance with law preferably within a period of six months from the date of filing of such appeal.

7. It goes without saying that if any question of limitation arises before the authority concerned, the same shall be considered taking into consideration the fact that the petitioner was pursuing the issue before this Court under Article 226 of the Constitution of India.

8. With above observations and directions, the writ application stands disposed of.

(Prabhat Kumar Singh, J)

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