

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9900 of 2020

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Ramsuresh Singh Son of Late Mahaveer Sharan Singh Resident of Village-
Bishunpur Mahuari, P.O.- Deuriya, P.S.- Maharajganj, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
3. The District Magistrate-cum-District Collector, Siwan.
4. The Additional Collector, Siwan.
5. The Sub-Divisional Officer, Maharajganj, District- Siwan.
6. The D.c.L.R. (Deputy Collector Land Reforms), Maharajganj, District- Siwan.
7. The Circle Officer, Maharajganj, District- Siwan.
8. The District Board, Siwan, through its Deputy Development Commissioner, Siwan.
9. The Executive Engineer, District Board, Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh, Advocate
For the Respondent/s : Mr. Md. Khurshid Alam (Aag12)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 09-10-2023 Heard learned counsel for the petitioner and the state.

2. This writ petition has been filed for setting aside order dated 06.09.2018 passed in Jamabandi Cancellation Case No. 87 of 2017-18 (Annexure-5) by the Additional Collector, Siwan by which the learned Additional Collector was pleased to cancel the Jamabandi No. 201/1578 of the land appertaining to Tauzi No. 6438, Khata No. 974, Kheshra No. 1061, Thana No.



154, area 0-12-7 dhur of mouza-Mahuari, P . S.- Maharajganj, District-Siwan recorded in the name petitioner without considering the material aspect of the case and that too the issue of title is pending consideration in the Court of competent Civil court, Siwan vide Title Suit No. 604 of 2017 and directing the respondents not to disturb the physical possession of the petitioner over the land in question on which petitioner alongwith his family members residing after constructing his house since long decades i.e. more than 50 years.

3. Learned counsel for the state appears and raises a preliminary objection to the effect that statutory alternative remedy is available to the petitioner in this case. The petitioner has challenged the order dated September 6, 2018 of the Additional Collector, Siwan, passed in Jamabandi cancellation case No. 87 of 2017-18 without exhausting the alternative remedy of appeal before the Collector under Section 7 (6)(a) of the Bihar Mutation Act, 2011. The present matter pertains to the land bearing Khata No. 974 Survey No. 1061 area 0-12-7 dhur situated at Mauza-Mahuari, P.S. Maharajganj, District-Siwan, in respect of which the petitioner has pleaded the title.

4. The learned counsel for the petitioner does not dispute the above proposition .



5. In the above view of the matter, this Court is not inclined to interfere in the matter in its extra-ordinary writ jurisdiction.

6. The writ petition stands disposed with an observation that the petitioner shall be at liberty to seek remedy before the appropriate forum as may be available to him in accordance with law.

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 under Article 226 of the Constitution of India.

(Prabhat Kumar Singh, J)

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