

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14180 of 2021

Umrawati Devi Wife of Sri Chandeshwar Singh Resident of Village-Singhia
Sagar, East Champaran, P.S. Banjaria, District-East Champaran at Motihari.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Bihar Land Reforms and Revenue Department, Patna-1.
2. Secretary, Bihar Land Reforms and Revenue Department, Patna-1.
3. The Collector, East Champaran at Motihari.
4. Deputy Collector (Land Reforms), East Champaran at Motihari.
5. The Circle Officer, Banjaria Anchal, District-East Champaran at Motihari.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Vivekanand Vivek
For the Respondent/s : Mr.Sajid Salim Khan (Sc25)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 05-12-2023 Heard learned counsel for the petitioner and State.

2. This writ application has been filed for directing the respondents authorities to issue revenue receipts regularly in pursuance of Jamabandi created by the authority on the basis of registered sale-deed executed by the landlord in favour of the petitioner of the land in question as well as for directing the respondents to make necessary entry in the record of rights in terms of document submitted.

3. Learned counsel for the petitioner submits that during pendency of the present writ application, the Additional Collector, Motihari has passed order in Jamabandi Cancellation



Case No. 660 of 2022-23 and petitioner was asked to file show cause reply. Therefore, the petitioner wants to challenge the said order.

4. Learned counsel for the State raises preliminary objection to the effect that against the order passed by Additional Collector, 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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