

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10615 of 2020

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RUPESH RAY, Son of Late Avadh Vihari Ray, Resident of village- Jamunia,
Police Station- Kharik, District- Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Land Reforms and Revenue,
Bihar, Patna
2. The Additional Collector, Bhagalpur
3. The Deputy Collector, Land Reforms and Revenue Naugachhia, Bihar
4. The Circle Officer, Naugachia, Bhagalpur
5. Geeta Devi, wife of Late Subodh Ray, resident of village- Jamunia, Police
Station- Kharik, District- Bhagalpur

... .. Respondent/s

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Appearance :

For the Petitioner : Mr. Pramod Kumar Thakur, Advocate
For the State : Mr. Raj Kishore Roy, GP-18

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 12-12-2023

1. Heard learned counsels for the parties.

2. This writ application has been filed for setting aside the order dated 20.11.2018 passed by the Additional Collector, Bhagalpur, passed in Mutation Case No. 29/2016-17, by which learned A.D.M., Bhagalpur, has been pleased to cancel the jamabandi in the name of one Avadh Vihari Ray, father of the petitioner.

3. At the outset learned counsel for the State appears and raises preliminary objection to the effect that petitioner has got alternative statutory remedy by way of an appeal against the order impugned before the Collector under Section 9(6)(a) of



the Bihar Land Mutation Act, 2011, which reads as:

“9. Cancellation of Jamabandi-

(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.”

4. 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. In view of the aforesaid facts and circumstances of the case, this writ application is disposed of with liberty to the petitioner to approach the Collector, Bhagalpur, within a period of six weeks from today.

7. In the event the petitioner files his appeal along with all the necessary documents and details in support of his claim within the stipulated time, the Collector, Bhagalpur shall dispose of the same in accordance with law after hearing the parties, preferably within a period of six months from the date of filing of the appeal.

8. It goes without saying that if any question of limitation arises before the Collector, Bhagalpur, 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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