

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13038 of 2022

=====

Ram Pravesh Singh Son of Late Visheshwar Singh, Resident of Village and
P.O. - Rawaich, P.S. Bakhtiyarpur, District - Patna.

... .. Petitioner

Versus

1. The State of Bihar through Principal Secretary Land Reforms Department
Govt. Bihar Patna.
2. The District Magistrate-cum-Collector, Nalanda, Biharsharif.
3. The Additional Collector-cum-Additional District Magistrate, Nalanda,
Biharsharif.
4. Sahdeo Prasad, Son of Late Dabu Mahto, Resident of Mohalla - Murarpur,
Bharawapur, P.O. - Biharesharif, P.S. - Laheri, District - Nalanda.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Hansraj, Advocate
For the Respondent/s	:	Mr. Md. Khurshid Alam, AAG-12
		Ms. Nutan Sahay, A.C. to AAG-12

=====

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL JUDGMENT

Date : 14-09-2023

Re:- Interlocutory Application No. 01 of 2022

This interlocutory application has been filed seeking amendment in the writ application questioning the subsequent order dated 21.11.2022 passed by the District Magistrate-cum-Collector, Nalanda, Biharsharif in Miscellaneous (Jamabandi) Case No. 36 of 2015.

2. Interlocutory Application No.01 of 2022 is allowed permitting the petitioner to question the legality of the order dated 21.11.2022.

3. Initially, the writ petition was filed for a



direction to the respondent no.2, the District Magistrate-cum-Collector, Nalanda, Bihar Sharif to decide Jamabandi Cancellation Appeal No. 36 of 2015 expeditiously in accordance with law. During the pendency of this case, on the order of this Court, the said Jamabandi Cancellation Appeal has been decided by the District Magistrate-cum-Collector, Nalanda, Bihar Sharif, which has also been challenged in the present proceeding.

4. According to the petitioner his ancestors had purchased the land in question through a registered sale deed dated 26.06.1918 and since then his ancestors and thereafter the petitioner are in peaceful possession of the land in question but all of a sudden the petitioner came to know that respondent no.4 fraudulently got mutated his name with respect to the land in question. As such, the petitioner filed Mutation Cancellation Case No.28 of 2013-14 before the Additional Collector -cum-Additional District Magistrate, Nalanda, Bihar Sharif, who vide order dated 12.08.2015 cancelled the Jamabandi running in the name of respondent no.4. Being aggrieved by the order dated 12.08.2015, the respondent no.4 filed Mutation Cancellation Appeal No.36 of 2015 before the District Magistrate-cum-Collector, Nalanda, Bihar Sharif. The said Mutation Cancellation Appeal has been decided by the Collector vide order dated



21.11.2022, which has been questioned in the present proceeding.

5. Learned counsel for the petitioner submits that the ancestor of the petitioners had purchased the land in question through a registered sale and since then his ancestors and thereafter the petitioner are in peaceful possession of the land in question but the Collector while deciding the Mutation Cancellation Appeal has not appreciated this fact and also not appreciated the materials available on record.

6. I have considered the submissions of the parties and also perused the order dated 21.11.2022 passed by the Collector, Nalanda, Bihar Sharif. It appears that the contention of the parties have not been properly dealt by the Collector in the impugned order and he has held that the parties may approach the competent Civil Court for declaration of their right, title and interest. I am of the view that the order of the Collector can be assailed by the petitioner before the Revisional authority, who will decide the issue.

7. Accordingly, this writ petition is disposed of with a direction to the petitioner to assail the order dated 21.11.2022 passed by the Collector, Nalanda, Bihar Sharif before the revisional authority/appropriate authority. If such an



application is filed within two months from the date of pronouncement of the order, the revisional authority/appropriate authority will condone the delay in filing the application considering the pendency of this case before this Court and decide the dispute between the parties within six months thereafter. The authority concerned will decide the issue and will not relegate the parties for filing of title suit in the competent Civil Court.

(Sandeep Kumar, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	21.12.2022
Uploading Date	14.09.2023
Transmission Date	N/A.

