

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11468 of 2023

1. Jang Bahadur Prasad Yadav Son of Late Shivdhari Raut, Resident of Village Harpur, Ward No. 2, P.S.- Harpur, District- East Champaran at Motihari.
2. Bijali Prasad Yadav @ Bijli Raut Son of late Devdhari Raut, Resident of Village Harpur, Ward No. 2, P.S.- Harpur, District- East Champaran at Motihari.

... .. Petitioners

Versus

1. The State of Bihar through Principal Secretary, Revenue and Land Reforms, Bihar, Patna.
2. The District Magistrate-cum-Collector, East Champaran at Motihari.
3. The Additional Collector, East Champaran at Motihari.
4. The Deputy Collector Land Reforms (D.C.L.R.), East Champaran at Motihari.
5. The Circle Officer, Adapur, District East Champaran at Motihari.
6. The Superintendent of Police, East Champaran at Motihari.
7. The Officer-in-Charge, Harpur Police Station, East Champaran at Motihari.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr. Shashi Shekhar Dwivedi, Senior Advocate Mr. Parth Gaurav, Advocate Ms. Gargi, Advocate Mr. A.K.Pandey, Advocate
For the Respondent/s	:	Mr. Asif Kalim, AC to AAG-12

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 19-10-2023 The petitioners in the present writ application filed under Article 226 of the Constitution of India have sought quashing of an order dated 24.06.2023 passed by the Additional Collector, East Champaran, Motihari, in Jamabandi Cancellation Case No. 54 of 2019-20, whereby Jamabandi Nos. 458 and 414 of Adapur Anchal has been cancelled. The petitioners are also



seeking a direction to the respondents not to disturb their peaceful possession over the property, which is the subject matter of Jamabandi, which has been cancelled by the impugned order.

2. Mr. Shashi Shekhar Dwivedi, learned Senior Counsel appearing on behalf of the petitioners has submitted that after having cancelled the jamabandi, the respondents intend to demolish the construction over the land in question. Learned Senior Counsel appearing on behalf of the petitioners, however, admits that the petitioners have statutory remedy of appeal under the Bihar Land Mutation Act, 2011 against the impugned order.

3. In such circumstance, this application is disposed of with a liberty to the petitioners to approach the appellate authority by filing an appeal against the impugned order. It is expected that if the appeal is filed within 15 days from today, the appellate authority shall decide it expeditiously and consider the petitioners' prayer for any interim order, if so required. If any question of limitation arises before the appellate authority and an application is made for condonation of delay, it is expected that the appellate authority shall keep in mind the fact that the petitioners were pursuing their remedy before this Court



by filing this application.

(Chakradhari Sharan Singh, J)

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