

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14506 of 2022

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Ramakant Singh, Son of Rajeshwar Singh, Resident of village Bhadari, Post
Office Nalanda, Police Station Silao, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Nalanda.
2. The District Magistrate, Nalanda.
3. The Additional Collector, Nalanda.
4. The Circle Officer, Silao, District Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ravindra Nath Dubey, Advocate Ms. Punam Kumari, Advocate
For the Respondent/s	:	Mr. Rishi Raj Sinha, SC-19

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 24-02-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner has filed the instant application for the
following relief(s):-

*“That this application is being filed for issuance
of writ/writs, order/orders, direction/directions
including a writ of certiorari for quashing the
order dated 15.2.2021 passed by Respondent No.
3 bearing Memo No. 463 dated 15.2.21
(Annexure -6 to the writ petition) by which the
Respondent No. 3 without considering the fact
that the petitioner has purchased the land in the
year 1947 and since then he is in possession for
which the rent is also being paid by the
petitioner and without considering the material
passed the order in Jamabandi Cancellation*



Case No. 3/2019 cancelling the Jamabandi of Khata No. 385, Plot No. 110 out of Jamabandi No. 106 of Mouza Bhadari, Thana No. 130, District Nalanda in most arbitrary manner and for any other relief/reliefs to which the petitioner is found entitled to in the facts and circumstances of the case.”

Having heard learned counsel for the parties and having perused the material on record it transpires that the petitioner has already preferred an appeal which has been registered as Appeal no. 22 of 2021 before the Collector, Nalanda (respondent no.2).

At this stage, it is submitted by learned counsel for the petitioner that if this Court is inclined to send the petitioner before the respondent no.2 for hearing of the said appeal, the petitioner may be protected in view of the interim order passed on 29.11.2022 in favour of the petitioner in the instant case.

Having learned counsel for the parties and taking into consideration the material on record, the instant application is disposed on with the following directions and observations:-

I. The petitioner will pursue his appeal, pending before the Collector, Nalanda ie Appeal no. 22 of 2021, which shall be disposed of expeditiously, in accordance with law.

II. If not already filed, the petitioner may file a



petition praying for interim relief/stay etc in the said appeal.

III. Till the petition filed by the petitioner for interim relief in Appeal no. 22 of 2021 is decided by the respondent no.2, as directed by order dated 29.11.2022 in the instant case, the possession of petitioner over the land in question shall not be disturbed.

Let this order be communicated to the respondent no.2, the District Magistrate, Nalanda in Appeal no. 22 of 2021.

(Partha Sarthy, J)

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