

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17676 of 2022

1. Raju Chaudhary Son of Late Bhuneshwar Chaudhary, Resident of Village- Kukraon No. 1, Ward No. 9. P.S.- Dhandaha, District- Purnea, Bihar. 6
2. Rajeev Kumar Jha Son of Tarkant Jha @ Tej Narayan Jha, Resident of Village- Kukraon No. 1, P.S.- Dhandaha, District- Purnea, At present Resident of B-115, Joshi Colony, I.P. Extension, East Delhi- 110092
3. Rekha Devi Wife of Nageo Rishi, Daughter of Sunder Rishi, Resident of Kukraon No.1, Kukraon, District- Purnea.
4. Pinki Devi Wife of Sukhdeo Rishi, Daughter of Sunder Rishi, Resident of Kukraon No. 2, P.S.- Kukraon, District- Purnea.
5. Umesh Rajak @ Umesh Baitha, Son of Dauri Rajak, R/o Village- Kukraon No. 1, P.S.- Kukraon, District- Purnea.
6. Subodh Ram Son of Genu Ram Bashamat Toli, Kukraon No.1, Kishanpur, Baluwa, Dhamdaha Kukaun, P.S.- Kukraon, Dhamdaha, District- Purnea.
7. Prabha Devi Wife of Anil Rishi, Daughter of Ganeshi Rishi, Resident of Kukraon No. 1 Ward No. 10, P.S.- Dhamdaha Purnea, Kukraon, District- Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Land and Revenue Department, Govt. of Bihar, Patna.
3. The Commissioner, Purnea Division, Purnea.
4. The District Collector, Purnea.
5. The Addl. Collector, Land Reforms, Purnea.
6. The Circle Officer, Dhamdaha, Purnea.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Akhileshwar Singh, Advocate Mr. Kumar Dhananjay Singh, Advocate Mr. Bindeshwari Singh, Advocate Mr. Ram Prakash Kumar, Advocate Mr. Praveen Ranjan, Advocate
For the Respondent/s	:	Mr. Rishi Raj Sinha, SC-19

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 04-04-2023 Heard learned counsel for the petitioners.

The petitioners have filed the instant application for the



following relief(s):-

“That this is an application for issuance of appropriate writ, order or direction for setting aside the order dated 03.11.2022 passed by Addl. Collector, Purnea in Red Card (Bandobasti) Cancellation Case No. 08/2020-21, 04/2019-20 in which he has cancelled the Bandobasti Case No. 38/76-77 for which registered Jamabandi No. 44, 45, 46, 47, 48 and 49 has also cancelled thereafter passed an order for only the allotted Rakba of 5.78 in the Khata of state Government Bihar, which is erroneously and illegally and to stay the impugned order till final disposal of the writ petition.”

At the outset learned counsel for the respondent-State takes a preliminary objection that the petitioners have an equally alternate and efficacious remedy of moving before the Divisional Commissioner, Purnea Division, Purnea against the order impugned herein.

After some argument and having heard the observations of this Court, learned counsel for the petitioners seeks permission to withdraw this application to move before the authority concerned.

This application is disposed of as withdrawn with the aforesaid liberty.

In case the petitioners move before the authority



concerned, in considering the petition of the petitioners praying for condonation of delay, the authority concerned shall take into consideration the period for which the petitioners were pursuing this application in this Court.

The authority shall also take up without any delay any application which is filed on behalf of the petitioners praying for any interim order during pendency of the case.

(Partha Sarthy, J)

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