

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18189 of 2022

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Smt. Babita Devi wife of Binod Kumar Singh Resident of Mohalla-
Vidyadhar Ward No. 6, (Khagaria) P.S. and District- Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Land Reforms and Revenue Department Government of Bihar, Patna.
2. The Collector, Khagaria.
3. The Additional Collector, Khagaria.
4. The Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad Khagaria, Mr. Abdul Bhaw Ansari, Son of name not known to the petitioner.
5. The Circle Officer, Khagaria, District- Khagaria.
6. The District Fisheries Officer-cum- Chief Executive Officer, Khagaria.
7. Sheo Kumar Sahani Son of Late Jamun Sahani, (Group Leader, Chnanha Lakshmiia Fisheries Jalkar), R/o Village- - Tetrad, P.O.- Jalkaura, P.S. and District- Khagaria.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arghesh Kumar, Advocate
For the Respondent/s : Mr. Raj Ishore Roy, GP 18

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 17-04-2023 Heard the parties.

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

“(i) The order dated 24/7/2019
passed by the learned Addl. Collector in
Jamabandi Cancellation Case No. 33/2015
be quashed.

(ii) It be held that the Addl.
Collector has no authority at all to cancel the
Jamabandi created in favour of a



person/Raiyat, like that of the petitioner.

(iii) It further be held that the learned Addl. Collector has no authority under the Act as per Tenor and object of Section 4(h) of the said Act.

(iv) It be further held that the learned Addl. Collector has passed the order, which is not at all vested in him by virtue of the provisions of the Bihar Land Reforms Act.

(v) That order impugned dated 24/7/19 passed by the Addl.

Collector be held to be illegal and without jurisdiction.

(VI) The petitioner be issued rent receipt for two pieces of land as mentioned in Annexure:-2 & 3 respectively of this writ application that is to say lands of Khata No.- 629,Plot No. 2707, Area 1 Bigha as well as Khata -629,Plot No. 2705, area 7 Bigha 6 Katha 11 Dhur 2 Dhurki,total being 8 Bigha 6 Katha 11 Dhur 2 Dhurki of Mauza &Jahangira, P.S. & District- Khagaria.

(VII) The Respondent authorities be directed to maintain status-quo and not to disturb petitioner over her land and pond mentioned in different paragraphs of this writ application. as

(VIII) The petitioner be granted adequate & appropriate compensation for her



unnecessary harassment in passing the illegal and arbitrary order by Addl. Collector Khagaria vide Annexure-15 of the writ application dated 24/7/2019.

(ix) The petitioner be paid the cost of legal proceeding throughout.

(s) The petitioner be also granted any other relief/s permissible under the facts and circumstances of the case.”

At the outset, it is submitted by learned counsel for the State that the petitioner has an alternate and efficacious remedy of pursuing his case under proviso to section 4(h) of the Bihar Land Reforms Act, 1950.

Having heard learned counsel for the parties, the Court finds substance in the submission made on behalf of the respondents.

Accordingly, this application is disposed of directing the petitioner to pursue his alternate remedy under the said Act as mentioned herein above.

If such an appeal is preferred by the petitioner, the same shall be decided by the Appellate Authority in accordance with law.

It is clarified that the Court has not entered into the merits of the case between the parties.



In case such an appeal is preferred, the Authority will take into consideration the period for which the instant application was being pursued by the petitioner in this Court.

(Partha Sarthy, J)

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