

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1208 of 2023

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Lukhiram Murmu @ Khemai Murmu Son of Late Biren Murmu, Resident of
Village- Chanabari (Bir nabari), P.S.- Galgalia, District- Kishanganj, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Department of Revenue and Land Reforms, Bihar, Patna.
2. The Collector-cum-District Magistrate, Kishanganj.
3. The Additional Collector, Kishanganj.
4. The Deputy Collector Land Reforms, Kishanganj.
5. The Circle Officer, Thakurganj, Kishanganj.
6. The Officer -in -Charge, P.S.- Galgaliya, District- Kishanganj.
7. Rama Green Cultivation India Pvt. Ltd, through Director, Sova Chand Agarwal, Son of Late Ram Niwas Agarwal, Resident of Rice Mill Compound, Babupada, P.S. - Silligudi, District - Darjeeling, West Bengal, Presently residing at Village- Bhelatuppi, Besarbati, P.O.- Churli, P.S.- Galgalia, District- Kishanganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Vikash Kumar Pankaj, Adv.
	:	Mr. Pratiyush Kumar, Adv.
	:	Mr. Samarth Mittal, Adv.
	:	Mr. Chanchal Goyal, Adv.
For the Respondent/s	:	Mr. Rishi Raj Sinha, SC 19

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 28-06-2023 Counsel for the petitioner and counsel for the State

are present.

2. The present writ petition has been filed directing

the Respondent No.3 to dispose the *Jamabandi* Cancellation

case no.42 of 2019, which is pending since 17.07.2019.

3. Counsel for the petitioner submits that the

petitioner's grandfather is the *Khatiyani Raiyat* of the land in

dispute, which was fraudulently recorded in the name of the Respondent No.7, for Cancellation of the same a *Jamabandi* Cancellation Case No.42 of 2019 is pending before the Additional Collector, Kishanganj.

4. Counsel for the petitioner submits that the said case is pending since 2019 but there is no progress made in the said case. Petitioner has come before this Court that the said case should be disposed off at the earliest.

5. Counsel for the State submits that in this case the claim of the petitioner of the land is by virtue of *Jamabandi* in the name of his grandfather, whereas, the claim of Respondent No.7 by virtue of registered sale deed. He submits that on the basis of registered sale deed, the name of the Respondent No.7 has entered in the Records of Rights and said entry is basically under challenge in the said *Jamabandi* Cancellation Case No.42 of 2019. He admits that it is true that the said case is pending since 2019 and till date, it has not been disposed off.

6. After hearing the parties and submissions made above, it is clear to the Court that the *Jamabandi* Cancellation Case No.42 of 2019 is pending before the Additional Collector since 17.07.2019 and presently year 2023 is going on. As per the statute, there is a legislative direction under Section 9 (6) of the

Bihar Mutation Act, 2011 (Act 23 of 2011) to close the proceeding within 30 days. It is unfortunate on the part of the Additional Collector that this case is running for so long.

7. In this background, it is directed to the Additional Collector to decide this case bearing *Jamabandi* Cancellation case no.42 of 2019 in accordance with law at the earliest and maximum within 60 days from the date of production of the order.

8. With the aforesaid direction, this writ petition is hereby disposed off.

(Dr. Anshuman, J.)

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