

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1032 of 2024

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1. Shishir Kumar Jha Son of Late Yugal Chandra Jha, Permanent Resident of village-Narayanpur, P.S.-Rajnagar, District- Madhubani at Present Resident of B2/150. Poonamallee High Road, Kendriya Vihar Velappanchavadi, P.S.- Thiruverkadu, District-Tiruvalur, Tamilnadu
 2. Anuj Kumar Jha, Son of Late Yugal Chandra Jha, Resident of village-Narayanpur, P.S.-Rajnagar, District- Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Land Reforms and Revenue Department, Government of Bihar, Patna.
2. The Collector, Madhubani.
3. The Additional Collector, Land Reforms and Revenue, Madhubani.
4. The Circle Officer, Rahika, Madhubani

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sushil Kumar Jha, Advocate
For the Respondent/s : Mr. Santosh Chandra Bharti, AC to GP -11

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 25-04-2024 Heard Mr. Sushil Kumar Jha, learned counsel for the

petitioner and Mr. Santosh Chandra Bharti, learned AC to GP-11

for the State.

The present writ petition has been preferred for:

*issuance of writ in the nature of
mandamus or any other appropriate writ/
writs order/ orders, direction/ directions for
restraining the respondents from changing
the nature and character of the land of the
petitioners in any way and also for a
direction to the respondents to not interfere
with the right, title and interest of the*



petitioners over the land appertaining to Khata No. 287, Kheshara No. 571 and part of Kheshara No.570, total area 2.5, Kattha settled through registered deed during 1939-1950, wherein the respondents are proposing to construct Tempu stand, solely in order to extinguish the right of the petitioners and his family member under the garb of an order of cancelling the Jambandi though the Statutory Revision is pending before the respondent Collector.

3. The petitioner is aggrieved by the order dated 03.03.2022 passed by the Additional Collector, Madhubani in Case No. 54 of 2019-2020 (State, through the Circle Officer, Raika vs. Shailendra Chandra Jha & Others) by which the *jamabandi* has been cancelled.

4. Though, learned counsel for the petitioner tried to impress upon this Court that there are orders/judgments of Hon'ble Apex Court in such cases, he concede that against the said order, an appeal has been preferred District Collector, Madhubani vide Appeal No. 197/2022-23 which is pending.

5. He submits that for early disposal of the said appeal twice the petitioner preferred petition, firstly, on 08.09.2023 (Annexure-P/3) thereafter on 30.12.2023 (Annexure P/4) duly received in the office but still no decision has been taken and in



the meantime, the petitioner fears that the respondents may go ahead and construct an Auto stand there.

6. Learned State counsel submits that the petitioner should have waited for the disposal of the appeal before rushing to the Court, he however concede that the appeal pending has to be taken to its logical conclusion.

7. In that view of the matter, the writ petition stands disposed of directing the Collector, Madhubani to take steps for the disposal of the Appeal no. 197 of 2022-23 at an earliest preferably within a period of six months from the date of receipt/production of a copy of this order.

(Rajiv Roy, J)

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