

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1080 of 2024

=====

Deo Narayan Singh, son of Late Ram Umed Singh, Resident of Mahabir Sthan, Thakurganj, P.O. and P.S.-Thakurganj, District-Kishanganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Bihar, Patna.
2. The District Land Acquisition Officer, Kishanganj.
3. The Additional Collector cum Certificate Officer, Kishanganj.
4. Sahat Lal Ganesh, son of Late Badar Lal Ganesh, resident of Farabadi, P.O. and P.S.-Thakurganj, District-Kishanganj.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr.Satish Kumar Sinha, Sr. Advocate
For the Respondent/s	:	Mr. Sunil Kumar Mandal, SC 3
		Mr. Arjun Pd., AC to SC 3

=====

CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

3 08-04-2024 This Court *suo motu* impleads the Collector, Kishanganj as necessary party respondent in the present writ petition.

2. Registry is directed to make necessary correction in the cause title of the writ petition.

3. Head learned counsel for the parties.

4. The present writ petition has been filed for the following relief(s):-

“(A) To declare the notice issued in Case No. 01/2023 under Section 7 of the Bihar & Orissa Public Demands Recovery Act, 1914 (Hereinafter referred to as “the Act”) as null



and void and also in-operative. By the aforesaid notice a sum of Rs.44,54,913/- is being sought to be realised from the petitioner illegally and without having jurisdiction.

(B) To pass such other order/ direction as may deem fit and proper to secure the ends of justice.

5. Learned counsel appearing on behalf of the petitioner has stated that the land of the petitioner has been acquired for the purpose of construction of Araria-Galgalia New B.G. Rail Line and the petitioner has been paid the compensation for the same. However subsequently the Jamabandi entries which were existing in the name of the petitioner have been deleted and aggrieved by the said action, the petitioner has preferred a Jamabandi Cancellation Appeal before the Collector, Kishanganj. That the Jamabandi appeal which has been filed by the petitioner is still pending adjudication. That the petitioner has been issued notice under Section 7 of the Bihar & Orissa Public Demands Recovery Act, 2014, directing him to refund the compensation amount paid to the petitioner for the land which was earlier acquired. Learned counsel has stated that the action of the respondents in issuing the notice under Section 7 of the Act is in gross violation of the principle of natural justice and equity. More particularly, having



regard to the fact that the Jamabandi Cancellation Appeal filed by the petitioner is still pending adjudication before the District Collector concerned.

6. Learned counsel appearing on behalf of the petitioner has stated that in case any orders are passed by the Recovery Officer in the certificate proceedings, the very purpose of filing Jamabandi Cancellation Appeal will be defeated and the petitioner will be put to great difficulty. Learned counsel therefore, prays this Hon'ble Court to stay the proceedings before the Certificate Officer.

7. Per contra, the learned counsel appearing on behalf of the respondents has vehemently opposed the very maintainability of the writ petition. It is stated that the present CWJC is only against the show cause notice and the petitioner can file his objections under Section 9 of the Act raising all grounds, but instead of filing his objections, the petitioner has straightaway approached this Hon'ble Court and therefore, prayed for dismissal of the present writ petition.

8. A perusal of the pleadings as well as the counter affidavit reveals that the petitioner's land was acquired way back in the year 2015-16 for the purpose of construction of Araria-Galgolia New B.G. Rail Line and the petitioner was paid



the compensation amount in the year 2019. Based on the complaint made by the private respondent, the Jamabandi entry standing in the name of the petitioner was cancelled. The petitioner has preferred Jamabandi Cancellation Appeal No. 30 of 2023 and the same is pending adjudication before the Collector, Kishanganj. The contention of the learned counsel for the petitioner that once the Jamabandi Cancellation Appeal is pending before the competent authority the issuance of the impugned notice is bad and the Authorities cannot take any coercive action, for recovery of the compensation amount under the Public Demand Recovery Act is correct and needs to be taken note of. If the proceeding under the Public Demand Recovery Act are allowed to be continued, the very purpose of filing the Jamabandi Cancellation Appeal will be defected.

9. Having regard to the same, the present writ petition is allowed. The authorities concerned are directed not to take any coercive action against the petitioner pending the Jamabandi Cancellation Appeal No. 30 of 2023. As it is stated that the Jamabandi Cancellation Appeal No. 30 of 2023 is pending before the Collector, Kishanganj, the Collector, Kishanganj is directed to dispose of the said Jamabandi Cancellation Appeal as expeditiously as possibly preferably within a period of eight



weeks from the date of receipt of a copy of this order.

10. Registry is directed to communicate this order to the Collector, Kishanganj.

11. With the above directions, the present Writ Petition is allowed to the extent indicated above.

(A. Abhishek Reddy , J)

Bhardwaj/-

U			
---	--	--	--

