

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5301 of 2018

1. Mosmat Devki Devi, wife of Late Parsuram Yadav
2. Mosmat Tara Devi, wife of Late Bindeshwari Yadav
3. Mosmat Sita Devi @ Sonia Devi, wife of Late Parmeshwari Yadav
4. Mosmat Umda Devi, wife of Late Bhogi Lal Yadav
5. Ramchandra Yadav, son of Late Bhogi Lal Yadav
6. Yogendra Yadav, son of Late Bhogi Lal Yadav
7. Bhupendra Yadav, son of Late Bhogi Lal Yadav
8. Sikendra Yadav, son of Late Bhogi Lal Yadav
10. Mosmat Amro Devi, wife of Late Asharfi Yadav
11. Surya Narayan Yadav, son of Late Asharfi Yadav
12. Gugli Yadav, son of Late Asharfi Yadav
13. Banarsi Yadav, son of Late Laljee Yadav
14. Parmeshwari Devi, wife of Sukhdeo Yadav
15. Ram Bilash Yadav, son of Late Dev Narayan Yadav @ Debu Yadav
16. Raj Kumar Yadav, son of Late Dev Narayan Yadav @ Debu Yadav
17. Raj Karan Yadav, son of Late Dev Narayan Yadav @ Debu Yadav
18. Bechan Yadav @ Bachchan Prasad Yadav, son of Dukhi Yadav
19. Kameshwar Yadav, son of Late Lal Bihari Yadav
20. Manoj Yadav, son of Late Lal Bihari Yadav
21. Binod Yadav, son of Late Lal Bihari Yadav,
All residents of Village - Saraigarh, P.S. - Kishanpur, District - Supaul.

.. ... Petitioner/s

Versus

1. The State of Bihar through the Collector, Supaul.
2. The Collector, Supaul.
3. The Additional Collector, Supaul.
4. The District Land Acquisition Officer, Supaul.
5. The D.C.L.R., Supaul.
6. The Circle Officer, Saraigarh, Bhaptiyahi, P.O. - Saraigarh, District - Supaul.

... ... Respondent/s



Appearance :

For the Petitioner/s : Mr. Ganpati Trivedi, Sr. Advocate
Mr. Manoj Kumar Jha, Advocate
For the Respondent/s : Mr. Saurabh Kumar, AC to SC-19

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 01-08-2024

Heard Mr. Ganpati Trivedi, learned Senior Advocate for the petitioners and Mr. Saurabh Kumar, learned Advocate for the State.

2. The petitioners are aggrieved by the order dated 19.12.2014 passed by the Additional Collector, Supaul in Jamabandi Cancellation Case No. 13 of 2012-13 / 28 of 2012-13, whereby and whereunder the Jamabandis have been cancelled, which were standing in the name of petitioners and their ancestors.

3. While assailing the impugned order of the Additional Collector, learned Senior Advocate contended that apart from the impugned order being illegal, arbitrary and with an intention to deprive the petitioners from getting compensation of their lands, which has been acquired under the Land Acquisition Act for construction of Koshi Rail Maha Setu, the same suffers from the vice of discrimination. However, after some argument, confronting with the situation that against the order of the Additional Collector cancelling the Jamabandis,



there is a provision of appeal before the Collector and thereafter the provision of revision before the Divisional Commissioner under the Bihar Land Mutation Act, 2011 (hereinafter referred to as 'the Act, 2011'); the learned senior counsel contended that the order suffers from the vice of arbitrariness and makes the order illegal, thus the High Court exercising the jurisdiction under Article 226 of the Constitution can interfere in the matter.

4. On the other hand, learned Advocate for the State submitted at the Bar that the petitioners have statutory remedy available under the Act, 2011. It is also contended that the order of Additional Collector was passed way back in the year 2014 and the petitioners have approached this Court in the year 2018 and thus the delay has caused on the part of the petitioners.

5. Considering the submissions advanced on behalf of the respective parties and taking note of the fact that the petitioners have/had the statutory remedy available under the Bihar Land Mutation Act, 2011; this Court does not find any reason to interfere in the present writ petition.

6. Suffice it to say that if the petitioners file an appropriate appeal along with an application for condonation of delay before the Collector, he shall consider the application taking note of the fact that the matter was pending before this



Court since 2018.

9. The writ petition stands disposed of with the liberty
aforesaid.

(Harish Kumar, J)

Jyoti/uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02.08.2024
Transmission Date	NA

