

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7164 of 2021

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Sushil Kumar Yadav @ Sushil Yadav Son of Late Budhinath Yadav Resident of Village and P.O.-Belhar, P.S.-Belhar, District- Banka.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secreary, Revenue and Land Reforms Department, Govt. of Bihar. Patna
2. The Commissioner, Bhagalpur Division, Bhagalpur
3. The Collector, Banka
4. The Addl. Collector, Banka.
5. The Deputy Collector Land Reforms, Banka.
6. The Circle Officer, Belhar, District-Banka.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dronacharya
For the Respondent/s : Mr.Raj Kishore Roy (Gp18)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4. 30-01-2024 **I.A. No. 1 of 2022**

This interlocutory application has been filed for substitution of legal heirs/representatives of sole petitioner, who died on 06.06.2022, during pendency of this writ petition, leaving behind him, his following heirs / representative, who are as follows:-

“(i) Mosmat Sushila Devi (Female) aged about 58 years, Wife of Late Suishil Kumar Yadav

(ii) Bablu Kumar Yadav (Male) aged about 42 years,

(iii) Rajesh Kumar Yadav (Male) aged about 36 years,

(iv) Manish Kumar (Male) aged about 29 years.

All (ii) to (iv) are sons of Late Sushil Kumar Yadav, Resident of village +P.O.- Belhar, P.S.- Belhar, District- Banka

(v) Rinku Devi (Female) aged about 42 years, wife



of Kailash Yadav R/o Vill- Madhukarpur, P.S.- Belhar, Barhara District- Banka

(vi) Priyanka Kumari (Female) aged about 40 years, Wife of Gopal Prasad Yadav, R/o village- Ratanpur, Suphi, Banka

(vii) Anamika Kumari (Female) aged about 33 years Wife of Sarvajeet Kumar, R/o village - Udaypura Katoriya, P.S. Katoriya , District- Banka

(viii) Smita Kumar (Female), aged about 31 years Wife of Ajay yadav, R/o village- Majhegayan, P.S. Belhar, District- Banka.

All (v) to (viii) are daughters of Late Sushil Kumar Yadav.”

2. In view of aforesaid fact, the interlocutory application i.e. I.A. No. 1 of 2022 is allowed.

3. Let the name of legal heirs / representatives of sole petitioner, as aforesaid, be substituted after expunging the name of sole petitioner from the record.

C.W.J.C. No. 7164 of 2021

4. This writ application has been filed for quashing the order dated 25.02.2019 passed by Addl. Collector, Banka in Jamabandi Cancellation Case No. 56/2018-19 whereby he has cancelled the Jamabandi of petitioners for the land in question.

5. Learned counsel for the State appears and raises preliminary objection to the effect that against the order impugned, petitioner has got statutory / alternative remedy of appeal before the District Collector in terms of Section 9(6)(a) of the Bihar Land Mutation Act, 2012, which reads as follows:

“9(6)(a) – An Appeal against the order of the



Additional Collector shall lie with the Collector of the district within thirty (30) days of the order appealed against.”

6. Learned counsel for the petitioners does not dispute the above proposition. However, he requests for disposal of the writ application granting liberty to the petitioners to file appeal before the District Collector in accordance with law.

7. If such appeal is filed before the authority concerned, the authority concerned shall dispose of the same after hearing the parties in accordance with law.

8. It goes without saying that if any question of limitation arises before the authority concerned, the same shall be considered taking into consideration the fact that the petitioner was pursuing the issue before this Court under Article 226 of the Constitution of India.

9. With above observations and directions, the writ application stands disposed of.

(Prabhat Kumar Singh, J)

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