

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9724 of 2023

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Pramila Devi @ Pramila Jha Wife of Rakesh Nath Jha, Resident of Mohalla-
Laxmisagar, P.O.-Laxmisagar, P.S.-LNMU, District-Darbhangha.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The Commissioner, Darbhanga Range Darbhanga.
3. The District Magistrate, Darbhanga.
4. The District Land Acquisition Officer, Darbhanga.
5. The Additional Collector, Darbhanga.
6. The Circle Officer, Bahadurpur, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amish Jha, Advocate
For the Respondent/s : Mr. Manoj Kumar Sinha, AC to SC-19

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

5 22-04-2024 Heard Mr. Amish Jha, learned counsel appearing on
behalf of the petitioner and the State.

2. The present writ petition has been preferred for the
following relief/s:-

*“(i) For quashing the order dated
12.04.2023 passed in Jamabandi
Cancellation Case No. 15 of 2023 passed by
the Respondent No. 5 so far it relates to the
petitioner where by and where under the
Jamabandi of the Petitioner at serial no. 21
of the said order appertaining to Jamabandi
No. Part -3 Page- 6 in the name of Pramila
Devi wife of Rakesh Nath Jha , Khata No-0,
Khesra No- 219 (New Khesra 124, 125, 126
and 127 Anabad State of Bihar) Area 0-
69.56 decimal in Mauza Balia, Thana No.*



120/2, Circle Bahadurpur, District-Darbhanga has been cancelled without granting any notice to her or granting reasonable opportunity of hearing to her.

(ii) For direction to the Respondents concerned to produce the entire records of Jamabandi Cancellation Case No. 15 of 2023 forthwith from the Court of the Additional Collector, Darbhanga.

(iii) For Direction to the Respondents concerned to restore the Jamabandi of the Petitioner forthwith Jamabandi No. Part -3 Page-6 in the name of Pramila Devi, wife of Rakesh Nath Jha, Khata No- 0, Khesra No- 219 Area 0-69.56 decimal in Mauza Balia, Thana No. 120/2, Circle Bahadurpur, District- Darbhanga.

(iv) For direction to the Respondents concerned to alternatively grant compensation to the Petitioner in terms of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 for the land appertaining to Khata No-0, Khesra No- 219 Area 0-69.56 decimal in Mauza Balia, Thana No. 120/2, Circle - Bahadurpur, District- Darbhanga.

(v) For direction to the respondents concerned to restore the Jamabandi appertaining to Jamabandi No. Part -3



Page- 6 in the name of Pramila Devi, wife of Rakesh Nath Jha, Khata No-0, Khesra No-219 (New Khesra 124, 125 126 and 127 Anabad State of Bihar) Area Balia 0-69.56 decimal in Mauza Thana No. 120/2 Circle Bahadurpur, District- Darbhanga with immediate effect.

(vi) For direction to the respondents to consider and dispose of the Representation dated 27.04.2023 filed by the Petitioner pending consideration before the Respondent No.5.

(vii) The petitioner further prays for following order/orders, direction/directions, for the following relief/reliefs which he entitled into facts and circumstances of the present case.”

3. A counter-affidavit on behalf of the respondents duly signed by Circle Officer, Bahadurpur is on record and in paragraph-6 it has been stated that the Jamabandi Cancellation Case No. 15 of 2023 was initiated by the Additional Collector, Darbhanga, notices issued, duly served, petitioner chose not to appear and after granting adjournments, it was ex parte decided against him on 12.04.2023. Further, in paragraph-8 it has been stated that it is appealable before the Collector as also against the order of the Collector revision lies before the Divisional



Commissioner and the petitioner has chosen not to avail it.

4. Though, learned counsel for the petitioner tried to impress upon this Court the case, in view of the fact that the order is appealable, the petitioner is well advised to move before the Collector concerned against the order in question.

5. Learned counsel for the petitioner submits that he was pursuing remedy before the writ Court and as such, limitation question may be taken up by the Appellate Authority. He, as such, wants the same should be considered, if he moves before the appellate authority.

6. In view of the fair submission made by the learned counsel for the petitioner and as the State has itself taken a stand that the same is appealable, the petitioner was pursuing remedy before this Court, the Appellate Authority has to take the same into consideration, if the petitioner files an appeal within four weeks from today.

7. The writ petition stands disposed of with the aforesaid observation.

(Rajiv Roy, J)

Adnan/-

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