

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11630 of 2023

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1. Mahesh Kumar Mour Son of Late Prakash Narayan Mour, R/o Village- Satal Bahadurganj, Ward No. 10, P.O. and P.S.- Bahadurganj, District- Kishanganj.
 2. Hukum Chand Mour Son of late Prakash Narayan Mour, R/o Village- Satal Bahadurganj, Ward No. 10, P.O. and P.S.- Bahadurganj, District- Kishanganj.
 3. Murli Manohar Mour Son of Late Prakash Narayan Mour, R/o Village- Satal Bahadurganj, Ward No. 10, P.O. and P.S.- Bahadurganj, District- Kishanganj.
 4. Yogesh Kumar Mour Son of late Prakash Narayan Mour, R/o Village- Satal Bahadurganj, Ward No. 10, P.O. and P.S.- Bahadurganj, District- Kishanganj.
 5. Suresh Kumar Mour Son of late Prakash Narayan Mour, R/o Village- Satal Bahadurganj, Ward No. 10, P.O. and P.S.- Bahadurganj, District- Kishanganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Govt. of Bihar, Patna.
2. The Additional Collector (Revenue) (ADM), Kishanganj.
3. The Anchal Adhikari, Bahadurganj Anchal, District- Kishanganj.
4. Md. Hasan Mahmood Ansari S/o Late Mahmood Alam Ansari, Resident of Kadam Rasool Khagda, P.O. and P.S.- Kishanganj, District- Kishanganj.

... .. Respondent/s

Appearance :

For the Petitioner/s : None.
For the Respondent/s : Mr. Md. Khurshid Alam, A.A.G.-12

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-04-2024 On call, no one appears on behalf of the petitioners
though State Counsel is present.

2. The present petition has been preferred for the
following reliefs:-

(i) to set aside the order dated



26.05.2023 passed by the respondent Additional Collector, Kishanganj in Jamabandi Cancellation Case No. 48/2022-23(01/ 2022-23) whereby and whereunder the respondent Additional Collector, Kishanganj has accepted the recommendation of the respondent Anchal Adhikari for cancellation of Jamabandi in contravention of section 9 (4) of the Bihar Land Mutation Act, 2011 (hereinafter referred to as 'the Act') read with Rule 13 (2) of the Bihar Land Mutation Rules, 2012 (hereinafter referred to as the 'Rules, 2012');

(ii) it be further ordered that till disposal of the Title Suit No. 131/2022 pending before the learned Court of Sub-Judge -I, Kishanganj and the statutory appeal under Section 9 (6) (a) of the Act pending before the Collector, Kishanganj, the order impugned dated 26.05.2023 be not implemented.

3. As per the paragraph-12 of the counter affidavit filed on behalf of the respondent nos. 2 and 3, the petitioner has the option to file an appeal before the Collector of the District, a remedy which has not been availed by him. Worse, the Collector has not even been made party- respondent.



4. The writ petition accordingly stands disposed of granting liberty to the petitioner to approach the Collector, Kishanganj (Appellate Authority) challenging the order dated 26.05.2023 by the Additional Collector, Kishanganj.

5. If the appeal is preferred within four weeks from today, the Collector should consider the limitation petition as the petitioner was pursuing remedy under jurisdiction.

6. Cr. Misc. No. 11630 of 2023 stands disposed of.

(Rajiv Roy, J)

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