

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13130 of 2024

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1. Upendra Prasad son of Late Gouri Shankar Prasad, Village- Sikhar, Post-Buniyad Ganj, P.S.- Buniyad Ganj Gaya Bihar- 823003.
 2. Rajendra Prasad, son of Late Gouri Shankar Prasad, Village- Sikhar, Post-Buniyad Ganj, P.S.- Buniyad Ganj Gaya Bihar- 823003.

... .. Petitioner/s

Versus

1. The State of Bihar through the Addl. Chief Secretary, Department of Revenue and Land Reforms, Government of Bihar.
2. The Collector cum District Magistrate, Gaya.
3. The Additional District Magistrate, Gaya.
4. The Circle Officer, Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Gautam Kumar Kejriwal, Advocate
		Mr. Aditya Raman, Advocate
For the Respondent/s	:	Mr. Dhurendra Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 03-09-2024 Heard Mr. Aditya Raman, learned Advocate for the petitioners and Mr. Dhurendra Kumar, learned Advocate for the State.

2. The grievance of the petitioners is confined to the expeditious disposal of the Jamabandi Cancellation Appeal Case No. 28 of 2022. Learned Advocate for the petitioners also sought a direction upon the respondents not to take any coercive action/step in furtherance to the order dated 02.06.2022 passed in Jamabandi Cancellation Case No. 143 of 2021-22, which is put to challenge in the aforesaid Jamabandi Cancellation Appeal Case No. 28 of 2022.

3. Learned Advocate for the petitioners while drawing



the attention of this Court to the order dated 02.06.2022, which is the subject matter of Jamabandi Cancellation Appeal Case No. 28 of 2022 has vehemently contended that by passing the aforementioned order, the learned Additional Collector has virtually decided the title between the parties, which is not *per se* permissible in law. It is next contended that on being aggrieved by the order dated 02.06.2022, the petitioners have preferred appeal being Jamabandi Cancellation Appeal Case No. 28 of 2022 way back on 29.08.2022, but till date, the same has not been disposed off causing prejudice to the right and entitlement of the petitioners.

4. Considering the nature of the grievance and the fact that the order dated 02.06.2022 passed by the learned Additional Collector is subject matter of Jamabandi Cancellation Appeal Case No. 28 of 2022, the writ petition stands disposed off with a direction to the respondent no. 2 to take up the aforementioned appeal and bring it to its logical conclusion, preferably within a period of three months, from the date of receipt/production of a copy of this order, after giving proper opportunity of hearing to all the stakeholders.

(Harish Kumar, J)

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