

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14586 of 2024

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Vinay Kumar @ Binay Kumar S/o Rajaram Mahaseth Resident of Village-Chatwan, P.S.-Keoti, District-Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary Department of Revenue and Land Reform, Patna.
2. The Collector, Darbhanga.
3. The Additional Collector Darbhanga.
4. The Deputy Collector Land Reforms, Darbhanga.
5. Anchal Adhikari, Sadar Darbhanga.
6. Abhimanyu Kumar S/o Arun Kumar Singh Resident of Mohalla-Rambagh, Kanhaiya Kothi, P.S.-LNMU Camus Police Station, District-Darbhanga.
7. Tajmun Nisha @ Talimun Nisha W/o Late Md. Hasmat Resident of Mohalla-Bangagarh Fakirana, Kadirabad, P.O. Lalbagh District-Darbhanga. Presently Residing at House No. 143, Hauz rani, Malviyanagar, South Delhi
8. Md. Ajmat S/o Late Md. Hasmat Resident of Mohalla-Bangagarh Fakirana, Kadirabad, P.O. Lalbagh District-Darbhanga. Presently Residing at House No. 143, Hauz rani, Malviyanagar, South Delhi
9. Raghvendra Kumar S/o Late Dev Narayan Gupta Resident of Mohalla-Sundarpur, Lalbagh, District-Darbhanga.
10. Kanti Devi Widow of Late Bishwanath Sah Resident of Mohalla-Maulaganj, Ward No.1, Alinagar, P.S.-LNMU Campus, District-Darbhanga.
11. Pawan Kumar Sah Son of Late Bishwanath Sah Resident of Mohalla-Maulaganj, Ward No.1, Alinagar, P.S.-LNMU Campus, District-Darbhanga.
12. Rakesh Kumar Sah Son of Late Bishwanath Sah Resident of Mohalla-Maulaganj, Ward No.1, Alinagar, P.S.-LNMU Campus, District-Darbhanga.
13. Mukesh Kumar Sah Son of Late Bishwanath Sah Resident of Mohalla-Maulaganj, Ward No.1, Alinagar, P.S.-LNMU Campus, District-Darbhanga.
14. Raj Kumar Ranjan S/o Late Rupal Mandal Resident of Mohalla-Maulaganj, Ward No.1, P.O. Lalbagh, District-Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amarendra Narayan, Adv.
For the Respondent/s : Mr. Arvind Kumar Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 23-09-2024

Heard Mr. Amarendra Narayan, learned Advocate for



the petitioner and Mr. Arvind Kumar Singh, learned Advocate for the State.

2. The present writ petition has been filed for the following reliefs:

“That this petition is being filed for issuance of writ of certiorari or writ of any appropriate nature, order or direction quashing order dated 10.08.2024 passed by the Additional Collector Darbhanga (respdt no. 3) in Jamabandi cancellation case no. 155/2023-24 (Tajmun Nisha & ors vs. State of Bihar & ors.) whereby and where- under the Jamabandi no. 335 (created in the name of Raghvendra Kumar from Jamabandi no. 206) and other Jamabandi in Bhag Vartman 90 page no. 63 (created from Jamabandi no. 335); and Jamabandi no. 42 and other Jamabandi copped up from Jamabandi no. 42 was cancelled and order was sent vide memo no.643 dt.10.08.2024 to the Anchal Adhikari Sadar Darbhanga for implementation.”

3. Learned Advocate for the petitioner contended that without any opportunity of hearing to the vendor and without any satisfaction as to whether notice has been duly served or not, the Additional Collector proceeded in the Jamabandi Cancellation Case; and the impugned order came to be passed *dehors* the materials brought before him by the petitioner, who is none else but the purchaser of the land in question from the bonafide vendor (Raghvendra Kumar).

4. Learned Advocate for the State contended that from



the impugned order it appears that the claim of the petitioner was duly considered and thereafter the order came to be passed.

5. The petitioner has efficacious statutory remedy of appeal under Section 9(6) of the Bihar Land Mutation Act, 2011, but without exhausting the statutory remedy of appeal, the present writ petition has been preferred. The materials brought on record also suggest that a disputed question of fact has been raised which, in the opinion of this Court, ought to be considered by the Revenue Court at the first instance and exclusively determined by them.

6. Accordingly, the writ petition stands disposed off with a liberty to the petitioner to prefer an appropriate appeal before the Collector, Darbhanga, if so advised, preferably within a period of two weeks. In case, an appropriate appeal is preferred by the petitioner, the same shall be considered and disposed of by a reasoned and speaking order within the statutory period, after considering all the submissions, as has been raised before this Court.

(Harish Kumar, J)

Anjani/-

AFR/NAFR	
CAV DATE	
Uploading Date	26.09.2024
Transmission Date	

