

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17145 of 2022

Sanjay Kumar Sinha S/o Murari Prasad, Residing at Village- Diwam Mohalla,
Sarvodaya Colony, Khanger Gali, Nagla, PS- Patna City, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Land Reforms and Revenue Department, Govt. of Bihar
2. District Magistrate cum Collector, Nalanda.
3. Additional Collector, Nalanda.
4. The Deputy Collector, Land Reforms, Nagarnausa, Nalanda.
5. The Circle Officer, Block- Nagarnausa, District- Nalanda.
6. Revenue Inspector, Block- Nagarnausa, District- Nalanda.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Rabindra Kumar Tiwari
For the Respondent/s : Mr.Sajid Salim Khan (Sc25)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 11-01-2024 Heard learned counsel for the petitioner and State.

2. This writ application has been filed to:

“(i) Issue a writ in the nature of certiorari for setting aside order of cancellation of zamabandi, passed in Zamabandi Cancellation Case No. 66 of 2021 whereby Respondent No.-4 cancelled zamabandi created in name of the grandfather of the petitioner pertaining to Khata No.-232 & 271, Plot No.-232, 245 & 85, Area-51 decimal situated at Mauza-Saidpura, Anchal- Nagarnausa, District- Nalanda. The alleged cancellation was done on the basis of recommendation of Respondent No.-5 herein Circle Officer Nagarnausa who made such recommendation, vide letter no. 638 dated 16.08.2021.



(ii) Issue a writ of certiorari or any other appropriate writ, order or direction calling for the record and proceedings of the Zamabandi Cancellation Case No. 66/2021 and be further pleased to quash and set aside the recommendation of cancellation of zamabandi no.9 made by Respondent No.5, vide letter no. 638 dated 16.08.2021.”

3. At the outset, 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, 2011, 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.”

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

6. If such appeal is filed before the authority concerned within a period of six weeks from today, the authority concerned shall dispose of the same after hearing the parties in



accordance with law preferably within a period of six months from the date of filing of such appeal.

7. 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.

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

(Prabhat Kumar Singh, J)

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