

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17662 of 2024

1. Rakesh Sharma @ Rakesh Kumar Sharma @ Rakesh Kumar, son of Late Radhe Sharma, resident of village- Kalpa, Police Station-Jehanabad, District- Jehanabad.
2. Bhushan Sharma, Son of Late Radhe Sharma, resident of village- Kalpa, Police Station-Jehanabad, District- Jehanabad.
3. Mithilesh Sharma, Son of Late Mathukdhari Singh, resident of village- Kalpa, Police Station-Jehanabad, District- Jehanabad.
4. Dhiraj Kumar @ Dhiraj Sharma, Son of Late Chotan Prasad Singh, resident of village- Kalpa, Police Station-Jehanabad, District- Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
2. The Departmental Secretary/ Principal Secretary, Revenue and Land Reforms Department-cum-Second Appellate Authority.
3. The District Public Grievance Redressal Officer, Jehanabad.
4. The Sub-Divisional Public Grievance Redressal Officer, Jehanabad.
5. The Additional Collector, Jehanabad.
6. The Circle Officer, Jehanabad.
7. Girish Sharma son of Baliram Sharma, Resident of village- Kalpa, Police Station-Jehanabad, District- Jehanabad.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate
For the Respondent/s : Mr. Sarvesh Kumar Singh, AAG-13

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 21-11-2024 1. Heard learned counsel for the petitioners and learned AAG-13 for the State.
2. Learned counsel for the petitioners submits that the instant writ application has been filed for quashing the order dated 20.07.2023 passed by the Sub-Divisional Public Grievance Redressal Officer, Jehanabad in Exclusive Case No.



9999901250423379393 (Annexure-P/1) and order dated 21.07.2023 passed by the District Public Grievance Redressal Officer, Jehanabad (respondent no. 3) in Exclusive Case No. 9999901270423379837 (Annexure-P/2) and the recommendation dated 16.11.2023 (Annexure-P/8) made by the Circle Officer, Jehanabad to the ADM for cancelling Jamabandi No. 10/01 and 989/11 standing in the name of the petitioners.

3. Learned counsel for the petitioners submits that based on the recommendation made by the Circle Officer, Jehanabad before the Additional Collector for cancelling Jamabandi No. 10/01 and 989/11, Jamabandi Cancellation Case No. 82/AC/2023-2024 was registered by the Additional Collector, Jehanabad. It is further submitted that jamabandi standing in the name of the petitioners was cancelled by an order dated 08.10.2024 passed by the Additional Collector. Learned counsel further submits that petitioners have remedy of appeal against the order passed by the Additional Collector in Jamabandi Cancellation Case No. 82/AC/2023-2024, accordingly, the petitioners have filed appeal before the Collector, Jehanabad offline on 14.11.2024 and online on 18.11.2024. It is next submitted that since the appeal of the petitioners is pending adjudication before the Collector,



Jehanabad, as such, no coercive action be taken against the petitioners on the land in dispute for the reason that the house of the petitioners is constructed on the land in dispute. It is submitted that if the appeal is dismissed by the Collector, the petitioners have remedy of approaching the Bihar Land Tribunal and thereafter this Court but if the authorities based on the orders passed by the Sub-Divisional Public Grievance Redressal Officer, Jehanabad demolishes the house on the disputed land on the pretext that it is government land, the petitioners will suffer irreparable injury. It is next submitted that if appeal filed by the petitioners before the Collector is allowed, will it not amount to travesty of justice if the house of the petitioners is demolished during pendency of the appeal.

4. Learned AAG-13 for the State submits that he has taken oral instruction from the Circle Officer, Jehanabad with regard to the present status of the case and the Circle Officer, Jehanabad has informed that no action has been taken against the petitioners for demolishing the house which is there on the land in dispute. Learned AAG-13 further submits that action would be taken only in accordance with law. Learned AAG-13 next submits that since the petitioners have filed an appeal, as such, the present writ application is nothing but a parallel



proceeding on which learned counsel appearing on behalf of the petitioners submits that since it has been submitted by the learned AGG-13 that no action would be taken for demolishing the house constructed on the land in dispute until the remedy available to the petitioners is not exhausted as such, the petitioners seek permission to withdraw the writ application.

5. Permission is accorded.

6. Accordingly, the writ application is dismissed as withdrawn.

(Satyavrat Verma, J)

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