

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17669 of 2023

Richesh Anand Son of Lakshmi Prasad Nayak, Resident of Mohalla Adarsh
Nagar, ward No. 16, Police Station and District- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Collector, Araria.
3. The Additional Collector, Araria.
4. The Sub-Divisional Officer, Araria.
5. The Anchal Adhikari, Block- Araria within the District of Araria.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rama Nand Poddar
For the Respondent/s : Mr. Narendra Kumar Singh, AC to GP-22

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

2 30-05-2024

1. Heard learned counsel for the parties concerned.

2. The petitioner has filed the present writ application for direction to the respondent-authorities to decide the Jamabandi Cancellation Appeal No. 22 of 2019 filed by the petitioner at the earliest. He further prays for issuance of direction to the respondents, including the Appellate Authority (District Magistrate, Araria) to not dispossess the petitioner and/or create disturbance on the subject land during pendency of the appeal.

3. Learned counsel for the petitioner submits that the



petitioner is a bonafide purchaser of a piece of land, situated under Khata no. 388, Khesra no. 1033, having a total area of 5 acres, which was purchased by way of two sale deeds, 2.5 acres each, bearing sale deed no. 7647, dated 15.03.2011, and sale deed no. 8052, dated 21.03.2011, executed in his favour by his vendor Bisheshwar Purvey, who in turn was purchaser of the said land from the wife of Sk. Jumed Ali, namely, Bibi Aabeda Khatoon, (erstwhile owner of the land).

4. He further submits that in the year 1958 revisional survey was done and khatian was prepared for 83 acres of land in the name of Sk. Umed Ali and Sk. Jumed Ali, with respect to the aforesaid land, having a total area of 133 acres in mouza Hadiabara under the district Araria.

5. A proceeding under Section 108-A of the Bihar Tenancy Act was initiated vide case no. 6702 of 1964-65, in which, the record of right was prepared for 83 acres of land in the name of Sk. Umed Ali and Sk. Jumed Ali, with respect to the aforesaid land and Jamabandi of the rest of the land i.e. 49.5 acres, out of 133 acres, was created in the name of State of Bihar vide order, dated 31.10.1967.

6. After the death of Sk. Jumed Ali, his wife, namely, Bibi Abeda Khatoon sold the land in favour of the petitioner's



vendor and in turn the petitioner purchased 05 acres of land.

7. The land, in question, was mutated in favour of the petitioner after proper inquiry and verification by the Circle Officer, Araria, in the year 2011.

8. The Jamabadi Cancellation Record No. 02 of 2016-17 was initiated against the petitioner, along with nine others, without any show cause notice and without giving any opportunity to the petitioner, the Sub Divisional Officer, Araria, vide his order, dated 24.09.2016, recommended for cancellation of Jamabandi of the petitioner.

9. In the light of the recommendation of the Sub Divisional Officer, Araia, the Additional Collector, Araia, initiated Jamabandi Cancellation Case No. 221 of 2016-17 against the petitioner and others.

10. The petitioner approached the High Court in CWJC No. 4235 of 2017, challenging the initiation of proceeding for cancellation of his Jamabandi and during pendency of the writ application and the LPA, a final order of cancellation of Jamabandi of the petitioner was passed by the Additional Collector, Araria, on 23.07.2019. However, the Division Bench of this Court in LPA no. 723 of 2019, directed the petitioner to appear before the Additional Collector, Araria,



on 26.08.2019 with liberty to Additional Collector to proceed with the matter in accordance with law.

11. After appearance of the petitioner before the Additional Collector, Araria, in pursuance of the order passed by the Division Bench in LPA No. 723 of 2019, the Additional Collector vide his order, dated 22.10.2019, passed the similar order as was passed on 23.07.2019. The appeal preferred by the petitioner being Appeal No. 22 of 2019, is pending for the last five years.

12. The respondent-authorities, including the appellate authority, without deciding the appeal, filed by the petitioner, have started interfering with the land of the petitioner for the construction of police line upon it.

13. Learned counsel for the State submits that the appeal shall be disposed within three months.

14. Having heard learned counsel for the parties and considering the nature of prayer made by the petitioner, this writ application is disposed with a direction to the learned District Magistrate, Araria, to dispose the appeal filed by the petitioner, bearing Jamabandi Cancellation Appeal No. 22 of 2019, during a period of three months.

15. It is made clear that during the pendency of the



appeal before the District Magistrate, Araia, the respondent-
authorities shall be restrained from interfering with the
possession of the petitioner on the subject land.

16. This writ application is, accordingly, disposed.

(Anil Kumar Sinha, J)

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