

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17084 of 2018

Shiv Shankar Mandal Son of Madan Mandal Resident of Village-Madhwapur, P.S.-Madhapur, District-Madhubani.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Deputy Collector (Land Reforms), Madhubani.
3. The Circle Officer, Madhwapur, Dist.-Madhubani.
4. Gauri Shankar Sah
5. Uma Shankar Sah
6. Shiv Shankar Sah.
7. Ram Shankar Sah. All Sons of Late Janki Sah, Resident of Village-Madhawapur, P.O-Madhawapur, P.S. and Anchal-Madhawapur, Dist.-Madhubani.
8. Addul Barik Son of Late Md. Khalil, Resident of Village-Gagour, Tola-Hajinagar, P.S.-Marlakhi, Dist.-Madhubani.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha, Advocate
For the Respondent/s : Md. Khurshid Alam, AAG-12

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 10-02-2025 Heard Learned Counsel for the petitioner and Learned Counsel for the State.

2. Learned Counsel for the petitioner submits that the present writ petition has been filed for quashing the order dated 15.06.2018 (Annexure-5) passed by the Deputy Collector (Land Reforms), Madhubani, in Case No.03/2016-17 by which the Deputy Collector (Land Reform) has disposed off the case with an observation that the Circle Officer is the custodian of records.



If land and question is a government land and amendment has been made under the B.T. Act then in that condition for amendment in Khatiyan, case could be filed in appropriate Court.

3. Learned Counsel for the State has raised preliminary objection and submits that the mistake has been taken on the part of the petitioner in drafting as Annexure-5 is the order passed by the Additional Collector and not by the Deputy Collector. He submits that in any view of the matter the said order passed by the Additional Collector (Land Reforms) is challengeable in appeal under Section 9(6) the Bihar Mutation Act, 2011 before the Collector.

4. From the record it transpires that there is one interlocutory application, namely, I.A. No.1 of 2020, which has been filed for granting stay of the order dated 15.06.2018 that order is challengeable.

5. In this background, this Court is not inclined to grant stay.

6. Learned Counsel for the petitioner submits that he is not pressing I.A. No.1 of 2020.

7. As such, I.A. No.1 of 2020 is dismissed as infructuous.



8. So far as merit of the case is concerned, this Court upon going through the order impugned that is the order of jamabandi cancellation, which is challengeable before the Collector. Hence, this writ petition is disposed off granting liberty to to the petitioner to challenge the order before the Collector under the Bihar Mutation Act, 2011. The delay, if any, in filing the said appeal has been directed to be condoned.

(Dr. Anshuman, J)

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