

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15024 of 2021

Om Prakash Prasad, Son of Sharda Prasad @ Shardanand Kishor, Resident of Village - Bankatwa, Ward No. 21, near Hanumangadhi, P.S. - Bagaha, District - West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar, through Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
2. The Commissioner, Tirhut Commissioner, Muzaffarpur.
3. The Collector, West Champaran, Bettiah.
4. The Addl. Collector, West Champaran, Bettiah.
5. The Deputy Collector, Land Reforms, Bagaha, West Champaran.
6. The Sub-Divisional Officer, Bagaha, West Champaran.
7. The Addl. Sub-Divisional Officer, Bagaha.
8. The Circle Officer, Bagaha-1, West Champaran.
9. The Revenue Karmchari, Bagaha-1
10. Md. Zulfikar Ali, Son of Late Md. Daud, Residence of Village - Edgah Mohalla, Ward No. 21, P.S. - Bagaha, District - West Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Satish Kumar Sinha, Advocate
For the State	:	Mr. Navnit Kumar, AC to GP-18

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

4 18-08-2025 The grievance of the petitioner is that the *Jamabandi* issued in the name of the father of the petitioner was canceled on the ground that the deed, by virtue of which the father of the petitioner purchased the property, was forged.

2. The learned Advocate for the petitioner also submits that the petitioner has filed a suit challenging the deed of sale by virtue of which the respondent no. 10 claimed himself to be the owner of the property in question. The said suit is



pending before the competent Civil Court. During the pendency of the said suit, *Jamabandi* cannot be canceled by the Additional Collector, West Champaran, Bettiah.

3. The learned Advocate on behalf of the State, on the other hand, submits that Section 9 of the Bihar Land Mutation Act, 2011 prescribes the procedure for cancellation of *Jamabandi* sub-Sections (6)(a) & (b) of Section 9 of the Bihar land Mutation Act state that:-

(a) An appeal against the order of the Additional Collector shall lie with the Collector of the District within 30 days of the order appealed against.

(b) The Collector of the District may condone the delay in filing the appeal, provided that there are sufficient reasons for the delay.

Therefore, it is contended by the learned Advocate for the State that the efficacious relief of the petitioner lies in the Appellate Forum before the Collector of the District.

4. The learned Advocate on behalf of the petitioner submits that the petitioner has also preferred an appeal under Section 9(6)(a) of the Bihar Land Mutation Act, 2011 and the said appeal is still pending.

5. Since the statute provides an alternative efficacious



relief, the petitioner is directed to take appropriate step in the pending appeal before the Collector under Section 9(6)(a) of the Bihar Land Mutation Act.

6. At this stage, the instant writ petition is found to be not maintainable.

7. Accordingly, the instant writ petition is dismissed.

8. The Collector, West Champaran, Bettiah is directed to expeditiously dispose of the appeal and if possible, within three months from the date of communication of the order.

(Bibek Chaudhuri, J.)

Jyoti Kumari/-

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