

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16419 of 2024

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1. Santosh Kumar Rai Son of Late Ravindra Prasad Rai, Resident of Village-Bilaspur, P.S.-Ramnagar, District-West Champaran.
 2. Sanjiv Rai, son of Late Shivendra Prasad Rai, Resident of Village-Bilaspur, P.S.-Ramnagar, District-West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Revenue and Land Reforms Department, Secretariat, Government of Bihar, Patna-800001.
2. The District Collector cum District Magistrate, West Champaran, Bettiah, Bihar.
3. The Additional District Collector, West Champaran, Bettiah, Bihar.
4. The Circle Officer, Ramnagar, West Champaran, Bihar.
5. Upendra Kumar, Son of Late Jagdish Kumar, resident of Village-Bilaspur, P.S.-Ramnagar, District-West Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Shekhar Singh, Sr. Adv Mr. Sumit Kumar, Adv Mr. Avinash Kumar Singh, Adv
For the Respondent/s	:	Mr. K.N. Jha, AC to GP-11 Mr. Amit Kumar Singh, Adv Mr. Rajesh Kumar, Adv

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 10-02-2025 1. Heard learned senior counsel for the petitioners, learned AC to GP-11 and the learned counsel appearing on behalf of private respondent.

 2. The learned counsel appearing on behalf of the State submits that petitioners have rushed to this Court against the order impugned in the instant writ application. It is next submitted that by order dated 27-8-2024 in Jamabandi Cancellation Appeal No. 13 of 2024-25 filed against the order



dated 11-3-2024 in Jamabandi Cancellation Case No. 40/2023-24 passed by the Additional Collector, the Collector has directed to maintain status quo. The learned State counsel next submits that Jamabandi was standing in the name of the private respondent but the same was cancelled by the Additional Collector, based on an application filed by the petitioners, it is next submitted that the private respondent, being aggrieved by the order of the Additional Collector, moved in appeal before the Collector for setting aside the order passed by the Additional Collector in Jamabandi Cancellation Case No. 40/2023-24. Learned State counsel next submits that the Collector, West Champaran, Bettiah, has merely passed an order of status quo. It is further submitted that it absolutely does not stand to reason that as to why the petitioners rushed to this Court, when they could have brought to the notice of the Collector, West Champaran, Bettiah itself about the order impugned in the instant writ application, on which the learned senior counsel appearing on behalf of the petitioners submits that it is very difficult to appear in the court of the Collector, West Champaran, Bettiah as neither orders are being supplied nor the cases are being taken up.

3. Learned senior counsel for the petitioners also



submits that petitioners have filed a recall petition dated 20-9-2024 before the Collector for recalling the order dated 27-8-2024 passed in Jamabandi Cancellation Appeal No. 13/2024-25, but then the said petition till date is pending consideration.

4. The learned senior counsel for the petitioners next submits that though petitioners are in possession of the land in dispute, but then they are not being allowed to carry out construction over the land in dispute by the Circle Officer, on which learned counsel appearing on behalf of the private respondent submits that petitioners, instead of rushing to this Court, ought to have moved before the Collector in the aforesaid appeal bringing to his notice that they are being restrained by his subordinate from carrying out the construction work over the land in dispute.

5. The learned senior counsel appearing on behalf of the petitioners, at this stage, submits that petitioners would be satisfied in the event if the writ application is disposed of with a direction to the Collector, West Champaran to dispose of Jamabandi Cancellation Appeal No. 13/2024-25 within a time frame.

6. The learned counsel appearing on behalf of the State and private respondent do not have any objection on the



said submission of the learned senior counsel appearing on behalf of the petitioners.

7. After hearing the learned counsel for the parties, the writ application is disposed of with a direction to the Collector, West Champaran to dispose of Jamabandi Cancellation Appeal No. 13 of 2024-25 within a period of four months from the date of receipt/production of a copy of this order after giving opportunity of hearing to all the concerned in accordance with law.

(Satyavrat Verma, J)

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