

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7957 of 2026

Devendra Kumar @ Devendra Kumar Shah, Son of Late Dhaneshwar Prasad,
Resident of Village and P.O. Sukhasan Via Gwalpara, P.S.- Arar, District-
Madhepura at present residing at KV BSF Camp Khagra, Kishanganj, Bihar
855108.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
2. Commissioner Purnea Division, Purnea.
3. Collector, Kishanganj, Bihar.
4. Additional Collector, Kishanganj, District- Kishanganj.
5. Deputy Collector, Land Reforms, Kishanganj.
6. Circle Officer, Kishanganj Circle, District-Kishanganj.

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Shanti Pratap, Advocate Mr. Ajit Ranjan Kumar, Advocate
For the Respondents	:	Mr. Sarvesh Kumar Singh, AAG-13 Mr. Abhinav Alok, AC to AAG-13

CORAM: HONOURABLE MR. JUSTICE RANA VIKRAM SINGH
ORAL ORDER

2 01-07-2026 Heard the parties.

2. The petitioner has preferred this writ application assailing the order dated 13.04.2026 passed by Additional Collector, Kishanganj in Jamabandi Cancellation Appeal No. 39 of 2025-26, whereby the long standing Jamabandi No. 147, created in favour of the petitioner and his ancestors, has been cancelled.

3. Without going into the merits of the various claims as raised by the petitioner in the writ applications, which cannot



be decided in writ jurisdiction, there appears to be an efficacious, alternative remedy available to him in the form of statutory appeal, against the order passed by the Additional Collector, under Section 9 of the Bihar Land Mutation Act, 2011. Section 9(6)(a) Land Mutation Act, 2011 lays down that an appeal against the order of the Additional Collector passed under Section 9 cancelling the Jamabandi shall lie with the Collector of the district within thirty days from the order appealed against and under Section 9(6)(b) and 9(6)(c), the Collector has been empowered to condone the delay in filing the said appeal against the order of Jamabandi cancellation passed by Additional Collector and also has the power to pass any order modifying, altering or setting aside the order appealed against, but only after issuing notice to all concerned and having heard them in the matter.

4. Mr. Sarvesh Kumar Singh, AAG-13 duly assisted by Mr. Abhinav Alok, AC to AAG-13 has urged the Court to go through Section 9 of the Bihar Land Mutation Act, 2011 whereby the definite provision for filing an appeal with respect to orders passed in Jamabandi Cancellation, has been given which the petitioner could avail by approaching the Collector by filing an appeal in terms of Section 9(6)(a).



5. In this view, the learned counsel for the petitioner seeks and prays for withdrawal of the writ application with liberty to file a statutory appeal in terms of Section 9(6)(a) before the Collector, Kishanganj within three weeks henceforth and in case such appeal is filed, the Collector, Kishanganj is under obligation under the law to consider and dispose off the said appeal within a reasonable period of time positively adjudicating the claims and rival claims of the parties.

6. It goes without saying that if any question of limitation arises before the competent authority, the same shall be considered taking into consideration the fact that the petitioner was pursuing the remedy/issue before this Court under Article 226 of the Constitution of India.

7. All pending interlocutory application(s), if any, stand/s disposed off.

(Rana Vikram Singh, J)

Smriti/
Supratim-

U			
---	--	--	--

