

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5479 of 1995

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Shashi Bhushan Singh, son of Lachhuman Singh, resident of village –
Khalgaon, P.S. – Kateya, District – Gopalganj.

.... Petitioner

Versus

1. The State of Bihar
2. The Collector, Gopalganj.
3. The Additional Collector, Gopalganj.
4. The Deputy Collector Land Reforms, Gopalganj.
5. The Sub-Divisional Officer, Gopalganj.
6. The Circle Officer, Kateya, Gopalganj.
7. Akalu Bhagat, son of Narayan Bhagat.
Resident of village – Khalgaon, P.S. – Kateya, District – Gopalganj.
.... Respondents

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH
ORAL JUDGMENT

Date: 14-05-2015

No one appears on behalf of the petitioner nor
for the private contesting respondents but learned counsel
for the State is present.

Having perused the records and having heard
learned counsel for the State, the writ petition has to be
allowed.

The petitioner has challenged the action of the
revenue authorities by which they have cancelled the
Jamabandi that was standing in the name of petitioner's
vendor. This was done on an objection filed by respondent
no. 7 and this was notwithstanding the fact that the revenue

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authorities had found petitioner's vendor in possession of the lands with Jamabandi in his name.

In the writ petition, it is averred that no proceedings under Section 4(h) of the Bihar Land Reforms Act (hereinafter referred to as the 'Act') was at all initiated because conditions for initiating proceedings under Section 4(h) were not present. If respondent no. 7 disputed the right, title and interest of the vendor of the petitioner in any manner, it was opened to respondent no. 7 to move Civil Court of competent jurisdiction for declaring his right, title and interest in the property. Resort to proceedings for cancellation of Jamabandi is not permissible in such cases.

In that view of the matter, the writ petition is allowed and the impugned orders passed by the Additional Collector, Gopalganj, as affirmed by the Collector, Gopalganj, in Miscellaneous (Rent Fixation) Case No. 16/1991-92 is set aside.

(Navaniti Prasad Singh, J.)

Rajeev/-

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