

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8224 of 1995

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1. Ahmad Ali Khan, son of Late Dildar Ali Khan
2. Obaidur Rehman, son of Md. Isa
Both residents of village – Jamalpur, P.O. – Jamalpur, P.S. – Jamalpur,
District – Darbhanga.

.... Petitioners

Versus

1. The State of Bihar
2. The Commissioner, Darbhanga Division, Darbhanga.
3. The District Magistrate, Darbhanga.
4. The Circle Officer, Ghanshyampur Block, District – Darbhanga.

.... Respondents

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH
ORAL JUDGMENT

Date: 25-06-2015

Heard learned counsel for the petitioners and
learned counsel for the State.

2. The petitioners are aggrieved by the order of
Circle Officer, Ghanshyampur Block, District – Darbhanga,
whereby he has ordered certain lands to be distributed
amongst landless persons as per order dated 31.07.1995
passed in Case No. 54/1995-96.

3. The case of the petitioners is that they had
received settlement of these lands from the ex-landlord i.e.
Darbhanga Raj in the year 1904 and 1935 respectively and
having in possession thereof, they had been paying rent to
the ex-landlord and to the State of Bihar and Jamabandi

being Jamabandi No. 994 in respect of Tauzi – 6424 was created. Their argument is that without notices for cancellation of their Jamabandi, by the impugned order, directions have been issued to make settlement of the said land to the landless persons.

4. This Court, while granting stay, had directed petitioners to furnish papers with regard to this Jamabandi. A supplementary affidavit has been filed stating that he had made an application for grant of certified copy of Register – II in respect of Jamabandi but the same is not being supplied. A counter affidavit has been filed by the State stating that the rent receipts are fraudulent and Bhujarat and Tarmin papers show that the claim of petitioners is not correct. From Bhujarat papers, it appears that so far as the aforesaid land is concerned, though it is shown to be Gair Mazarua Aam land it is shown to be in possession of some Muslim gentleman. The State has not produced the copy of the Register – II in respect of Jamabandi in question which would falsify the contention of the petitioners. The State being custodian of records it was its duty to bring it on record.

5. Therefore, I am left with no other option but to set aside the impugned order of the Circle Officer,

Ghanshyampur Block, District – Darbhanga, with a direction that before State proceeds in the matter, it must verify existence or otherwise of the Jamabandi. In absence whereof no further proceedings should be taken up.

6. With the aforesaid observation and direction, this application, accordingly, stands disposed of.

(Navaniti Prasad Singh, J.)

Rajeev/-

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