

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.10477 of 2012**

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Upendra Narayan Singh, Son of Late Tek Narayan Singh, Resident of  
Village- Sanhauli, P.O., P.S. & District: Khagaria

.... .... Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Bihar at Patna
2. The Commissioner, Munger
3. The Collector, Khagaria
4. The Superintendent of Police, Khagaria
5. The Sub Divisional Officer, Khagaria
6. The Land Reforms Deputy Collector, Khagaria
7. The Anchal Adhikari, Khagaria
8. The Station House Officer, Morkahi, P.S. Khagaria
9. The Anchal Amin, Anchal & District: Khagaria
10. Smt. Meena Devi, Wife of Pawan Paswan, Resident of Village & P.O.:  
Marar, P.S.: Morkahi, District: Khagaria

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Amarendra Nath Verma, Adv.  
For the Respondent nos.1to9 : Mr. Rajesh Kumar Sinha, AC to GP-25  
For the Respondent no.10 : Mr.Dronacharya, Adv.

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA**  
**ORAL ORDER**

5      22-01-2016

Heard the parties.

The petitioner is aggrieved by the order dated 24.11.2009 passed in Jamabandi Cancellation Case No.5 of 2009-10 by the respondent Anchal Adhikari, Khagaria, as contained in Annexure-3, whereby the jamabandi no.44 standing in the name of the petitioner with respect to the lands in question has been cancelled purportedly on the strength of the order passed by the District Collector and this Court.

The learned counsel appearing on behalf of the petitioner, while assailing the validity and correctness of the impugned order, has raised several issues of facts and law. He further contended that whatever may be the reason, but, before

passing the impugned final order, cancelling the jamabandi standing in the name of the petitioner, an opportunity of hearing was required to be given to him, but that he has not been done in the present case. Therefore, according to him, on that ground alone, the impugned order is not sustainable and is fit to be quashed and set aside.

The learned AC to GP-25 appearing on behalf of the respondent nos.1 to 9 and the learned counsel appearing on behalf of the respondent no.10 have contested the matter. According to them, the impugned order was passed in view of the order passed by the District Collector, Khagaria as also the observations made in another proceeding by a Bench of this Court. However, they have not been able to show that before passing the impugned final order dated 24.11.2009 any opportunity of hearing was given to the petitioner.

In the aforesaid factual matrix of the case, this Court is of the opinion that the matter requires re-consideration and fresh decisions, as apparently there has been violation of rules of natural justice. Indisputably, jamabandi in question was running in the name of the petitioner, but, before passing the impugned final order cancelling the aforesaid jamabandi, an opportunity of hearing was not given to the petitioner.

For the reasons recorded above, the impugned order dated 24.11.2009 passed in Jamabandi Cancellation Case No.5 of 2009-10 by the respondent Anchal Adhikari, Khagaria, as contained in Annexure-3, is hereby set aside and quashed, and the matter is remitted back to the respondent Anchal Adhikari, Khagaria with a direction to decide the aforesaid case afresh after giving an opportunity of hearing to the petitioner, the private

respondent no.10 and others, if any.

In order to expedite the matter, the petitioner and the respondent no.10 are hereby directed to appear before the respondent Anchal Adhikari, Khagaria within a period of one month from today with a certified copy of the present order, whereafter the respondent Anchal Adhikari, Khagaria shall proceed further and decide the aforesaid case afresh, but, before passing any final order, an opportunity of hearing must be given to all the parties.

It is clarified that the parties shall be at liberty to raise all the issues of facts and law, which may be available to them, with respect to the lands in question before the respondent Anchal Adhikari, Khagaria.

The writ petition stands allowed to the extent indicated, but with the observations and directions made above. However, the parties are left to bear their own costs.

**(Birendra Prasad Verma, J)**

Arvind/-

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