

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1149 of 2016

Arising Out of PS.Case No. -null Year- null Thana -null District- KHAGARIA

Subhash Chandra, S/o. late Shivnand Prasad, R/o. village-Saraiya, P.S. Chautham,
District Khagaria

.... Petitioner

Versus

1. The State of Bihar Through The Principal Secretary, Home Department,
2. The Collector, Khagaria,
3. The Circle Officer, Chautham Block, P.S. Chautham, District- Khagaria,

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Upendra Prasad, Advocate
Mrs. Veena Kumari Jaiswal, Advocate
For the Respondent/s : Md. Nadim Seraj, G.P-5
Mr. Dhurendra Kumar, AC to GP-5

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 16-05-2017

The referred plots stands in the name of the ancestors of the petitioner vide Jamabandi Nos.88 and 89. In respect of the same plots on the prayer of third party New Jamabandi Nos.38, 377K, 471 and 399 have been created without making correction in Jamabandi Nos.88 and 89 or disclosing the fact that this new Jamabandi have been carved out from the aforesaid Jamabandi Nos.88 and 89. Thereafter, the petitioner filed Jamabandi Cancellation Case No.3 of 2016-17 on the ground that wrong new Jamabandi have been created in the name of non-titleholders in collusion with the officials. During inquiry it revealed that the referred lands were already entered in Jamabandi Nos.88 and 89 and without canceling the same new



Jamabandi could not be opened and accordingly report was submitted to the competent authority considering the cancellation of the Jamabandi.

2. The petitioner has invoked the writ jurisdiction of this Court for a direction to the State-respondent to lodge an F.I.R. for the above forgery in the government records.

3. The State-respondents have filed counter affidavit stating therein that the matter is still subjudice so far cancellation of the Jamabandi is concerned and matter for cancellation has been recommended by the Circle Officer to the Additional Collector under Section 9 of the Bihar Land Tribunal Act. Unless the same is adjudicated no final inference can be drawn regarding the reason for creation of new Jamabandi and the person involved in creation of the same.

4. Considering the aforesaid stand of the State-respondent especially the stand that the Jamabandi standing in the name of the ancestors of the petitioner is still intact, this Court is not inclined to interfere in the matter, as the prayer is premature, with liberty to the petitioner to move this Court for necessary relief if the occasion so arises, in future, inasmuch as even after definite finding by the competent authority that there is forgery in the record no F.I.R. is lodged by the State authorities. The State authorities are



also directed to see the requirement of lodging of the F.I.R. if the circumstances so justify. The pending mutation-cancellation matter should be disposed of at the earliest.

5. With the above observation, this application stands disposed.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
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