

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14633 of 2012

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1. Anjani Kumar @ Lal Babu
 2. Anup Kumar @ Babban Babu
 3. Anuj Kumar @ Bachchan Babu

All sons of Late Sri Awadh Prasad Resident Of Ranipur, P.O. Khajekalan, P.S. Mehdiganj, District Patna At Present of Road No. 6A, Rajendra Nagar, P.O. Rajendra Nagar, P.S. Kadam Kuan, District Patna.

.... Petitioner/s

Versus

1. The State Of Bihar.
2. The Collector, Patna.
3. The Additional Collector, Patna.
4. The Deputy Collector, Land Reforms, Patna.
5. The Circle Officer, Patna Sadar, Patna.

.... Respondent/s

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with

Civil Writ Jurisdiction Case No.14694 of 2012

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1. Anjani Kumar @ Lal Babu
 2. Anup Kumar @ Babban Babu
 3. Anuj Kumar @ Bachchan Babu

All sons of Late Sri Awadh Prasad R/O Ranipur, P.O.- Khajekalan, P.S.- Mehdiganj, District Patna, At Present R/O Road No. 6A, Rajendra Nagar, P.O.- Rajendra Nagar, P.S.- Kadam Kuan, District- Patna

.... Petitioner/s

Versus

1. The State Of Bihar & ors

.... Respondent/s

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Appearance :
(In both cases)

For the Petitioner/s	:	Mr. Jitendra Kishore Verma Mr. Anjani Kumar
For the State	:	Dr. Raizul Haque Mr. Parth Sharthi Mr. Mrigendra Kumar, AC to GA 4

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

04

15.02.2017

1. Two separate supplementary affidavits are filed. Let these supplementary affidavits be kept on record.
2. Heard the parties.



3. Both the above stated writ petitions have been filed against the issuance of notices by the Circle officer, Patna Sadar for cancellation of Jamabandi and accordingly, both the above stated writ petitions are being disposed of by this common order.

4. It is admitted position that notices vide annexure 5 and 5 series of both writ petitions were issued in the year 2012 and prior to issuance of the aforesaid notices, Bihar Land Mutation Act, 2011 had already come into force. Section 9 of the Bihar Land Mutation Act, 2011 says that only Additional Collector has got power for cancellation of Jamabandi but in the present case, admittedly, the Circle officer, Patna Sadar issued notices for cancellation of Jamabandi of the petitioners and not only this, during the pendency of these petitions, the aforesaid Circle officer collected evidence and gave certain findings on right, title and possession of the parties and subsequently, he sent his order dated 17.10.2016 to Additional Collector, Patna for getting his seal for approval.

5. In course of hearing, learned counsel appearing for the State tried to convince me about genuineness of notices issued for cancellation of Jamabandi as well as order dated 17.10.2016 passed by the Circle officer, Patna Sadar but subsequently, learned counsel appearing for the State fairly conceded the present position of law.

6. In view of the aforesaid facts and circumstances, I find that the Circle officer, Patna Sadar had got no jurisdiction to issue notices for cancellation of Jamabandi of the petitioners nor had any right to collect evidence and gave any finding in this regard. Hence, both the above stated writ petitions are allowed and notices vide



annexure 5 and 5 series issued by the Circle officer, Patna Sadar as well as order dated 17.10.2016 passed in Jamabandi Cancellation no. 1/2012-13 are, hereby, quashed.

7. However, it is made clear that findings given by the Circle officer, Patna Sadar in order dated 17.10.2016 shall not affect right, title and possession of the parties in future litigation. It is also made clear the competent authority may initiate cancellation proceeding, if needed, in accordance with law.

Shahid

(Hemant Kumar Srivastava, J)

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