

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15902 of 2016

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Mundrika Singh Son of Late Bhushan Singh @ Bhukhan Singh resident of
Village - Amhara, P.S. - Bihta, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Revenue Department,
Patna, Bihar.
2. The Collector, Patna.
3. The Additional Collector, Patna.
4. The Sub-Divisional Officer, Danapur, Patna.
5. The Deputy Collector, Land Reforms, Danapur, Patna.
6. The Anchaladhikari, Bihta, Patna.

.... Respondents.

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Appearance :

For the Petitioner/s : Mr. Yogendra Mishra, Sr. Adv.
Mr. Arvind Kumar Jha

For the Respondent/s : Mr. Md.Sajid Salim Khan-SC25

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA**
ORAL ORDER

2 30-04-2018 Heard both sides on the I.A. petition.

I.A. No. 8604 of 2017 has been filed for substituting the
legal heirs of the petitioner, Mundrika Singh who died on 23-10-
2017.

Learned counsel for the State did not raise any
objection.

I.A. No. 8604 of 2017 is *allowed*.

Let the name of the petitioner, Mundrika Singh be
expunged and in his place, the name of his legal heirs as described
in paragraph-1 of I.A. petition, be substituted. The substituted



legal heirs have already filed Vakalatnama along with the I.A. petition.

Heard both sides.

The original (sole) petitioner who is now dead and is represented by his legal heirs, filed this writ petition to quash the order dated 24-12-2010 passed in Zamabandi Cancellation Case No. 58 of 2009-10 by which, the Collector cancelled the Zamabandi standing in the name of late Mundrika Singh (original petitioner).

Learned counsel for the petitioner submits that under ***Bihar Tenant's Holding (Maintenance of Records) Act, 1973***, the Collector has got no jurisdiction under the Act to cancel any Zamabandi standing in the name of a person and therefore, the order is without jurisdiction and illegal. The petitioner claims that the nature of the land is Gair Majarua Malik. In reply to the submissions, learned counsel for the State submitted that the nature of the land was Gair Majarua Aam and the petitioner could not be able to produce any documents as to how their names entered in the records of rights with regard to the land, which is Gair Majarua Aam land but he could not be able to show any provision by which, the Collector has got any jurisdiction to cancel the Zamabandi standing in the name of a person. It is



further submitted that Section-9 of ***Bihar Land Mutation Act, 2011***, vests power in the Additional Collector for cancellation of Zamabandi, if, it is found illegal or in contravention of any law.

Having considered the submissions of both the sides, I find that the Collector has got no jurisdiction to cancel Zamabandi standing in the name of a person under ***Bihar Tenant's Holding (Maintenance of Records) Act, 1973***. Therefore, the order dated 24-12-2010 is without jurisdiction and illegal.

Accordingly, the order dated 24-12-2010 passed in Zamabandi Cancellation Case No. 58 of 2009-10 is set aside with liberty to the authority to initiate a proceeding afresh in accordance with provision as contained in Section-9 of the Bihar Land Mutation Act, 2011.

This writ petition is ***allowed*** accordingly.

(Prabhat Kumar Jha, J)

A.K.V./-

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