

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9252 of 1993

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1. (i). Sudha Devi, w/o- deceased
(ii). Sanjay Kumar Singh, S/o- Late Dhayan Singh

2 (i). Gupteshwar Pd. Singh
(ii). Sidheshwar Pd. Singh
(iii). Umeshwar Pd. Singh
(iv). Upendra Narain Singh

All sons of Late Dhanesh Singh alias Gyandutt Singh, residents of village Bhasgarh, P.S. Obra, District-Aurangabad.

3. Dinesh Pandey son of late Ragho Pandey, resident of village Kheranti, P.S. Obra, District Aurangabad.

4. Ram Janam Singh son of late Ranjan Singh

5 (i). Asha Devi, Daughter of Late Mohan Singh

6 (i). Rameshwar Singh
(ii). Sheo Pujan Singh
(iii). Bindeshwari Singh

All sons of Late Ragho Singh

7 (i). Sakuntala Singh, Daughter-in-law of deceased, w/o-Late Banwari Singh

8 (i). Arbind Kumar Singh, S/o-late Banwari Singh

9. Jagdish Singh

Nos. (6) and (9) sons of late Kesho Singh

10 (i). Uday Pd. Singh
(ii). Vijay Pd. Singh
(iii). Ajay Pd. Singh

All sons of Late Awadh Pandey

11. Ram Bilash Pandey son of late Dudhar Pandey,
12. Ram Sumiran Pandey son of late Mahtab Pandey,
13 (i). Janardan Pandey, S/o- Late Babulal Pandey
14 (i). Gupteshwar Singh
(ii). Ramanuj Singh, Sons of late Hazari Singh

15. Arun Singh son of Shyam Sunder Singh

16. Ramjanam Singh

17 (i). Binod Singh

18. Ram Agya Singh

Nos. (16) to (18) sons of late Hamir Singh

All residents of village Surkhi, P.S. Obra, Distric-Aurangabad.

.... Petitioners

Versus

1. The State of Bihar.
2. Collector, Aurangabad
3. Sub-divisional Magistrate, Daudnagar, District-Aurangabad.
4. D.C.L.R., Daudnagar, District-Aurangabad.
5. Circle Officer, Obra, District-Aurangabad. Respondents

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Appearance :

For the Petitioner/s : Mr. Shri Nandan Pd. Singh, Adv.
Mr. Naresh Nandan, Adv.
For the Respondent/s : Mr. Parijat Saurav, AC to AAG10

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN



ORAL JUDGMENT

Date: 05-10-2018

Heard Mr. Shri Nandan Prasad Singh, learned Counsel for the petitioners and learned Counsel for the State.

The petitioner is aggrieved by the order dated 23.07.1993 passed by the Deputy Collector, Land Reforms, Aurangabad, whereby the demand created in the name of the petitioner in 1963 vide Annexure-1 has been cancelled on a mere recommendation of the Circle Officer.

The writ petition was admitted for hearing vide order passed on 23.03.1994 and is taken up for hearing today.

Two grounds have been raised by Mr. Singh to question the order, namely:

(a). The order of the Deputy Collector, Land Reforms, Daudnagar, Aurangabad, impugned at Annexure 3, is non-speaking; and

(b). The order is wholly without jurisdiction as no jurisdiction is vested in the Deputy Collector, Land Reforms to cancel the Jamabandi.

Learned Counsel in support of his submissions has relied upon the following judgments:

(i). 1978 BBCJ 323 (Harihar Singh v. Addl. Collector, I/C Land Reforms.)

(ii). 1983 PLJR 727 (Khiru Gope & Ors. v. Land Reforms



Deputy Collector, Jamui & Ors.)

(iii). 1990(2) PLJR 819 (D.N.Jatia v. the State of Bihar & Ors.)

(iv). 2005(2) PLJR 381 (Bhola Jha v. the State of Bihar & Ors.)

(v). 2007 (Supp.) PLJR 273 (Suresh Yadav & Ors. v. the State of Bihar & Ors.)

It is unfortunate that though this writ petition is pending for quarter of a Century but no counter affidavit is filed by the State in opposition of the issues raised. Learned Counsel for the State is also not in a position to contest the stand in view of judicial pronouncement noted above and a bare perusal of the order impugned would confirm that it is mechanical and does not assign reasons for such cancellation.

For the reasons aforementioned, the order dated 23.07.1993 passed by the Deputy Collector, Land Reforms, Aurangabad in Demand Cancellation Case No. 14/1992-93 cannot be upheld and is accordingly quashed.

The writ petition is allowed.

(Jyoti Saran, J)

Archana/ Surendra

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.10.2018
Transmission Date	NA

