

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1392 of 1997

1.(i) Sahil Devi (Widow)
(ii) Bhnu Kumar (Son)
(iii) Purushottam Kumar
2. Kali Kumar Singh.
3. Umakant Prasad Sinha, all sons of late Kameshwar Prasad Singh, resident of village Kafain, P.S. Kafain, District Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Collector, Muzaffarpur.
3. The Land Reforms Deputy Collector (East), Muzaffarpur
4. Anchal Adhikari, Minapur, P.S. Minapur, District -Muzaffarpur

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Uday Shankar Sharan Singh, Adv.
For the Respondent/s : GP 1

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL JUDGMENT

Date : 06-10-2018

The petitioners have questioned the order dated 17.1.1997 passed by the Land Reforms Deputy Collector, (East) Muzaffarpur in Misc. Case No. 7 of 1995-96 whereby he has recommended for cancellation of Jamabandi standing in the name of the petitioner. Copy of the order is impugned at Annexure-1 to the writ petition.

The short issue raised by Mr. Uday Shankar Sharan Singh learned counsel for the petitioner is that the Land Reforms Deputy Collector had no jurisdiction to pass the order of cancellation of Jamabandi once it has been created in accordance



with law. He relies upon the judgment reported in 2007 Suppl. PLJR 273 in support of his contention more particularly paragraph 4 to 6 thereof.

I have heard learned counsel for the parties and I have perused the records.

This writ petition was admitted for hearing on 30.4.1998 and the interim order passed on 26.2.1997 was allowed to continue. In between the writ petition was dismissed for non prosecution and has been restored, whereafter it has put up for consideration when arguments have been advanced which is supported by the judgment referred to by Mr. Singh and other judgments of this Court.

In consideration of the documents on record and legal position settled, there can be no two opinions on the issue canvassed by Mr. Singh that the Land Reforms Deputy Collector had no jurisdiction to order for cancellation of the Jamabandi where it was created after consideration of the documents supporting a settlement followed by entry in revenue records and issuance of rent receipts well explained in paragraphs 3 to 12 of the writ petition.



For the reasons so discussed, the order impugned at Annexure 1 passed by the Land Reforms Deputy Collector cannot be upheld and is accordingly quashed and set aside.

The writ petition is allowed.

(Jyoti Saran, J)

Bibhash/Ranveer

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.10.2018
Transmission Date	NA

