

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11755 of 1995

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Krishna Prakash Singh Keshri son of of late Jagatanand Singh resident of Mangalgarh Kothi P. S. Hasanpur District Samastipur and presently residing at Jagat Kunj, East Boring Canal Road, P.S. Budha Colony Town and District of Patna

.... Petitioner/s

Versus

1. State of Bihar
2. The District Magistrate, Samastipur
3. The Addl. Collector, Samastipur
4. The Subdivisional Officer, Rosera District Samastipur
5. The Deputy Collector, Land Reforms, Rosera District Samastipur
6. The Anchal Adhikari, Hasanpur District Samastipur

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 11756 of 1995

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Krishna Prakash Singh Keshri son of of late Jagatanand Singh resident of Mangalgarh Kothi P. S. Hasanpur District Samastipur and presently residing at Jagat Kunj, East Boring Canal Road, P.S. Budha Colony Town and District of Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Samastipur
3. The Addl. Collector, Samastipur
4. The Subdivisional Officer, Rosera District Samastipur
5. The Deputy Collector, Land Reforms, Rosera District Samastipur
6. The Anchal Adhikari, Hasanpur District Samastipur
7. Smt. Ram Shakhi Devi wife of late Jagatanand Singh
8. Smt. Madhuri Devi daughter of late Jagatanand Singh
9. Smt. Shanti Tiwari daughter of late Jagatanand Singh
10. Smt. Sharda Sinha daughter of late Jagatanand Singh
11. Smt. Kalyani Singh daughter of late Jagatanand Singh
12. Sri. Narendra Kumar Singh son of late Jagatanand Singh

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 11757 of 1995

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Smt.Madhuri Devi Wife of Tajendra Thakur resident of Sindari P.S. Sindari District Dhanbad through her constituted attorney Sri Jagatanand Singh son of late Bishsundeo Narayan Singh resident of Mangalgarh Kothi P.S. Hasanpur Dist. Sasmastipur

.... Petitioner/s

Versus



1. The State of Bihar
2. The District Magistrate, Samastipur
3. The Addl. Collector, Samastipur
4. The Subdivisional Officer, Rosera District Samastipur
5. The Deputy Collector, Land Reforms, Rosera District Samastipur
6. The Anchal Adhikari, Hasanpur District Samastipur

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 11758 of 1995

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Smt.Madhuri Devi Wife of Tajendra Thakur resident of Sindari P.S. Sindari District Dhanbad through her constituted attorney Sri Jagatanand Singh son of late Bishsundeo Narayan Singh resident of Mangallgarh Kothi P.S. Hasanpur Dist. Sasmastipur

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Samastipur
3. The Addl. Collector, Samastipur
4. The Subdivisional Officer, Rosera District Samastipur
5. The Deputy Collector, Land Reforms, Rosera District Samastipur
6. The Anchal Adhikari, Hasanpur District Samastipur

.... Respondent/s

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Appearance :

(In CWJC No.11755 of 1995)

For the Petitioner/s : Mr. LALIT KISHORE

For the Respondent/s : Mr. (GP1)

(In CWJC No.11756 of 1995)

For the Petitioner/s : Mr. LALIT KISHORE

For the Respondent/s : Mr. (GP1)

(In CWJC No.11757 of 1995)

For the Petitioner/s : Mr. LALIT KISHORE

For the Respondent/s : Mr. (GP1)

(In CWJC No.11758 of 1995)

For the Petitioner/s : Mr. LALIT KISHORE

For the Respondent/s : Mr. (GP1)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL JUDGMENT

Date: 13-03-2018

I.A. no. 3174/2015 & I.A. no. 3175/2015

The aforesaid interlocutory applications have been



filed by Krishna Prakash Singh Keshri, son of the petitioner in C.W.J.C. no. 11755 of 1995. I.A. no. 3174/2015 has been filed for his substitution as his father died on 03.01.1996 and I.A. no. 3175/2015 has been filed for condonation of delay.

Both interlocutory applications are allowed.

The delay in filing I.A. no. 3175/2015 is condoned. Let name of the petitioner in C.W.J.C. no. 11755 of 1995 be deleted and in his place, name of his legal heir fully described in paragraph 3 in I.A. no. 3174/2015 be substituted.

Heard both sides.

The petitioners are aggrieved by the orders dated 3.6.1994, 9.6.1994, 14.7.1994 and 27.7.1994 as contained in Annexure-1 series by which the Sub Divisional Officer, Rosera initiated a proceeding for cancellation of Jamabandi No.8 standing in the names of the petitioners.

Learned counsel for the petitioners assailed the orders solely on the ground that the petitioners got lands by virtue of sale deed executed by ex-landlord in the year 1939 and Jamabandi was created in the names of the petitioners but without giving notice to the petitioners, a proceeding for cancellation of Jamabandi was initiated and in pursuance of the recommendation made by the Sub Divisional Officer and the Collector, the Circle Officer, Hasanpur vide order



dated 27.7.1994 (Annexure-1) cancelled the Jamabandi standing in the names of the petitioners.

In view of the provisions contained in Bihar Tenancy Holding Maintenance of Records Act, 1973, the Circle Officer is to maintain the records of rights but he has got no jurisdiction to cancel the Jamabandi created in the name of a person under Section 9 of the New Land Mutation Act, 2011, the power is vested to the Additional Collector to cancel the mutation standing in the name of a person, if the same is made in contravention of any law or circular.

Thus, I find that the orders as contained in Annexure-1 series are without jurisdiction and not sustainable. Accordingly, the order dated 27.7.1994 is set aside. The writ petitions are allowed. The matter is remitted to the authorities to pass orders afresh in accordance with law after hearing the petitioners.

(Prabhat Kumar Jha, J)

N.H./-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	20.3.2018
Transmission Date	20.3.2018

