

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1659 of 2018

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Sunil Kumar Bhagat Son of Rameshwar Bhagat, Resident of Village
Sonamukhi O.P Ratvara, P.S. AlamNagar District Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar, the Secretary, Department of Development of Bihar, Patna
2. The Director Department of Bihar Revenue and Land Reforms Government of Bihar, Patna.
3. The Commissioner, Saharsa.
4. The District Magistrate Madhepura.
5. The Additional Collector Madhepura.
6. The L.R.D.C. Udakishunganj District- Madhepura.
7. The Circle Officer Alamnagar Block District Madhepura.
8. The Revenue Karmachari Gangapur Panchayat, P.S. Alamnagar OP. Ratvara, District- Madhepura.
9. Chhatis Singh, Son of Late Bindeshwari Singh, Resident of Village Bharsa Tola Panchayat Gangapur Opp. Ratwara, P.S. Alamnagar District Madhepura.
10. Shyam Singh, Son of Late Sado Singh, resident of Barso Tola Panchayat Gangapur O.P. Ratvara, P.S. Alamnagar, District- Madhepura.
11. Matuki Singh, Son of Late Sadho Singh, Resident of Village Bhars Tola Panchayat Gangapur O.P. Ratvara P.S. Alamnagar, District- Madhepura.
12. Damodar Singh, Son of Late Sadho Singh, Resident of Village Bharsa Tola Panchayat Gangapur O.P. Ratvara P.S. Alamnagar, District- Madhepura.
13. Shankar Singh, Son of Late Kamli Singh, Resident of Village Bharso Tola Panchayat Gangapur O.P. Ratvara, P.S.- Alamnagar, District- Madhepura.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Anjani Mishra Mr. Shivanandan Sah
For the State	:	Mr. Raj Kishore Roy-GP-18 Mr. Mukul Prasad, AC to GP 18

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 04-04-2019

Heard.

The case of the petitioner, in brief, is that the



petitioner's father had purchased a piece of land, appertaining to Khata No.1223, Khesra No. 3481 of Mauza Gangapur, Thana No.83 admeasuring 86 decimal. The name of the petitioner's father was mutated against the said land and a *Jamabandi* was accordingly created.

It is the grievance of the petitioner that in the Register-II and rent receipt, area of the land has been wrongly described as 50 decimal in place of 86 decimal. It has been stated in the writ application that the petitioner had raised his grievance before the Authority, whereupon it has been learnt that out of sheer mistake the *Jamabandi* in respect of 36 decimal has been created in favour of respondent nos. 9 to 11.

My attention has been drawn to a communication made by the the Circle Officer, Alamnagar, addressed to the Additional Collector, Madhepura to the effect that creation of *Jamabandi* in respect of 36 decimal of land in favour of respondent nos. 9 to 11 was erroneous.

Learned counsel for the petitioner has submitted that in the background and the manner in which the error has occurred in creation of *Jamabandi*, the Additional Collector ought to have cancelled the *Jamabandi* created in favour of respondent nos. 9 to 11, exercising power under Section 9 of the



Bihar Land Mutation Act, 2001 (for short' the Act').

However, in the facts and circumstances of the case, this writ application is disposed of with the observation that the petitioner may file an application before the Additional collector, Madhepura under Section 9 of the Act for cancellation of *Jamabandi* created in favour of respondent nos. 9 to 11. If such application is filed, it goes without saying that the Additional Collector will be required to proceed in accordance with law, after giving the concerned respondents an opportunity of hearing and opportunity to the parties to adduce evidence, if so required.

(Chakradhari Sharan Singh, J)

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