

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3606 of 2019

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Bilash Mandal, Son of Late Bhagwan Mandal, Resident of Village Bhadaiya
Tola, P.O. Ayodhyaganj Bazar, P.S. Kursela, District- Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue Dept. Govt. of Bihar, Patna.
2. The District Magistrate, Katihar.
3. The Additional Collector, Katihar.
4. The Deputy Collector, Land Reform, Katihar.
5. The Circle Officer, Circle Barari, District- Katihar.
6. The Circle Officer, Circle Sameli, District- Katihar.
7. Adhik Lal Mandal, Son of Late Bhola Mandal, Resident of Village Bhadaiya Tola, P.O. Ayodhyaganj Bazar, P.S. Kursela, District- Katihar.
8. Suvedha Devi, Wife of Sunil Kumar Yadav, Resident of Village-Diara Chandpur, P.S. Falka, District- Katihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Abhishek Kumar
		Ms. Monika
For the Respondent/s	:	Mr. Raj Kishore Roy, GP-18

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 25-02-2019 Heard learned Counsel for the parties concerned.

An order, dated 04.01.2019, passed by the Bihar Land Tribunal, Patna, in BLT Case No. 182 of 2017 is being assailed in the present writ application.

By the impugned order, dated 04.01.2019, the Member Administrative, Bihar Land Tribunal, has set aside the orders passed by the Additional Collector and the Deputy Collector Land Reforms, whereby an order passed by the Circle Officer, cancelling jamabandi of this petitioner, in respect of



land, was held to be bad. From the impugned order of the Tribunal, it seems that a title suit in respect of the same land, registered as T.S. No, 188 of 2010, is pending in a civil court of competent jurisdiction filed by the petitioner.

Learned Counsel appearing on behalf of the petitioner has submitted that the Circle Officer did not have any jurisdiction to cancel jamabandi and, therefore, the consequence of setting aside the orders of the Deputy Collector Land Reforms and the Additional Collector would be that an illegal order passed by the Circle Officer would revive.

Jamabandi does not create any right or title in respect of any immovable property in favour of a person. The right and title is to be finally adjudicated upon in a duly framed suit which is, admittedly, pending between the parties.

I do not find any illegality in the impugned order passed by the Tribunal, whereby the Tribunal has held that in the light of pendency of the suit, the merits of the case are not required to be gone into.

At this juncture, while disposing of the writ application, for the parties to pursue their case before the Court below in the said title suit, the only observation which I intend to make is that any finding recorded by the Circle Officer, the



Deputy Collector Land Reforms, the Additional Collector or even the Tribunal shall not prejudice the case of the parties before the civil court in Title Suit No. 188 of 2010.

This application stands disposed of with the above noted observation.

(Chakradhari Sharan Singh, J.)

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