

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.4335 of 2018

In

Civil Writ Jurisdiction Case No.431 of 2018

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Jagarnath Mahto, son of Late Kuldeep Mahto, resident of Mohalla-Chainpura, Police Station- Bypass, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar, Through The Chief Secretary, Government Of Bihar, Patna namely Deepak Kumar, son of not known to the petitioner.
2. The Principal Secretary, Revenue and Land Reforms Department Government of Bihar, Patna namely Chandragupta Ashokvardhan, son of not known to the petitioner.
3. The District Magistrate, Patna, namely Kumar Ravi, son of not known to the petitioner.
4. The Sub- Divisional Officer, Patna City, Patna, namely Rakesh Roushan, son of not known to the petitioner.
5. The Circle Officer, Patna Sadar Patna, namely Pradeep Kumar
6. The Thana-in-charge, Bypass Thana, Patna, namely Golden Kumar
7. Om Prakash Singh son of Ramdhyan Singh resident of Mohalla-Dhawalpura, Police Station- Bypass, District- Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Prasad, Adv.

For the Opposite Party/s : Mr. Md. Khurshid Alam, Adv.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

Date : 03-07-2019

Heard learned counsel for the petitioner and
learned counsel representing the State.

By our order dated 8.3.2018 passed in C.W.J.C.

No.431 of 2018, we, taking note of the statements made in the



writ application, directed the Circle Officer, Patna Sadar, Patna to register an encroachment case and to proceed for removal of the encroachments. The direction was based on the statements of the writ petitioner that the land in question is a Gair Muzurua Aam land.

Pursuant to our orders, it appears that an encroachment proceeding has been initiated. Now the show cause, which has been brought on record on behalf opposite party Nos. 3 to 5, shows that vide Annexure-B dated 27.4.2019, while registering the encroachment case, the Circle Officer has taken note of the stand of the persons in possession of the land. A measurement report of the Anchal Amin has also been obtained and now what has transpired from the records is that the persons in possession of the land have got the sale deeds, their names have been mutated in the records (Register-II) and rent receipts have been issued to them. It also transpires that Jamabandis have also been created in respect of the land in question.

In these circumstances, we have been informed that the Circle Officer has written to the District Magistrate, Patna for taking action for cancellation of the Jamabandis created.



On a perusal of the records, we are satisfied that in the nature of the dispute which has been raised before the Circle Officer and the materials showing that Jamabandi was created in favour of certain persons whose names were also mutated in the records of the Government and their rent receipts have been issued, the Circle Officer is unable to comply with the order at this stage because cancellation of Jamabandi is not within his powers and he has, therefore, referred the matter to the competent authority.

No case for contempt is made out. The application is rejected.

(Amreshwar Pratap Sahi, CJ)

(Rajeev Ranjan Prasad, J)

K.C.Jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
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