

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14166 of 2019

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Chandeshwar Singh @ Chandeshwar Paswan S/o Late Etwari Paswan
Resident of Village Paharpur, Vishanpur, P.S. Mahnar, Dist. Vaishali at Hajipur

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Revenue Department, Govt. of Bihar, Patna
2. The Principal Secretary, Revenue Department, Govt. of Bihar, Patna
3. The District Magistrate, Vaishali, Dist. Vaishali
4. The Land Reform Deputy Collector, Hajipur, Dist. Vaishali
5. The Anchaladhikari, Mahnar, Dist. Vaishali

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra
For the Respondent/s : Mr. Subash Chandra Yadav (GP-15)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 22-07-2019 Heard learned counsel for the parties.

2. A recommendation made by the Circle Officer in his order dated 18.01.2019 (Annexure-12), for cancellation of *Jamabandi* standing in the petitioner's name has been put to challenge in the present writ application. The Circle Officer has simply, recommended cancellation of *Jamabandi* and has sent the connected records to the Deputy Collector Land Reforms, Mahnar.

3. This is to be noted that under Section 9 of the Bihar Land Mutation Act, 2011, the power of cancellation of *Jamabandi* vests in Additional Collector. A bare



recommendation of the Circle Officer cannot be the subject matter of challenge before this Court in a proceeding under Article 226 of the Constitution of India as the power of cancellation of Jamabandi is to be exercised by the Additional Collector after giving the person to be affected an opportunity of hearing.

3. In my view, this application is premature and is, accordingly, dismissed.

4. It is, however, observed that the petitioner shall be at liberty to raise all the points which have been raised in the present application, if any proceeding is initiated against cancellation of Jamabandi.

5. It is made clear that I have not gone into the merits of the claim of the petitioner.

(Chakradhari Sharan Singh, J)

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