

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19760 of 2019

=====

Harendra Prasad Chaurasiya @ Harendra Chaurasia, Son of Late Bhagirathi Prasad Chaurasiya @ Bhagirath Chaurasia, Resident of Village-Shyampur, P.S.-Adapur, District-East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Additional Collector, East Champaran, Motihari.
3. The Circle Officer, Adapur Anchal, East Champaran.
4. Sangita Kumari alias Gunjan Devi, Wife of Anil Kumar Sinha, Resident of Village-Shyampur, P.S.-Adapur, District-East Champaran.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar
For the Respondent/s : Mr.Raj Kishore Roy (GP18)

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 24-09-2019 Heard both sides.

The petitioner filed this writ petition for quashing the order dated 30.07.2019 passed by the Additional Collector, East Champaran, Motihari in Jamabandi Cancellation Case No.23 of 2018-19 by which the Additional Collector refused to cancel Jamabandi standing in the name of respondent No.4 till the pendency of petition for revocation of probate.

Mr. Dhananjay Kumar, learned counsel for the petitioner submits that order of the Additional Collector suffers from illegality. The petitioner earlier filed mutation appeal before the Deputy Collector Land Reforms, Motihari and Deputy Collector Land Reforms, Motihari abated the appeal on



the ground of pendency of the petition for revocation of probate granted in favour of the petitioner. On the same ground, the Additional Collector also rejected the petition of the petitioner for cancellation of Jamabandi standing in the name of respondent No.4.

According to Mutation Act, during the pendency of the suit, the authority shall not mutate the name of a person and thus I find that Additional Collector has rightly and legally rejected the petition as the Jamabandi is still standing in the name of respondent No.4. Of course, the probate was granted in favour of the petitioner but the respondent No.4 filed petition for revocation of probate and till the pendency of the petition for revocation of probate, Jamabandi should not be cancelled.

Having considered the facts aforesaid, I do not find any reason to interfere with the order. Accordingly, this writ petition is dismissed as devoid of any merit.

(Prabhat Kumar Jha, J)

Saurabh/-

U			
---	--	--	--

