

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18715 of 2019

Surendra Kumar Gupta, Aged about 73 years, Male, Son of late Ram Lakhan Gupta, Resident of Village Bhadaur, P.S. Bhadaur, District Patna, Bihar, Presently at 115 F-2, Chandra Naskar Road, P.S. Belegkata, Kolkata, West Bengal, Pincode 700010.

... .. Petitioner

Versus

1. The State of Bihar through the District Magistrate, Patna.
2. The Additional District Magistrate, Patna.
3. The Deputy Collector Land Reforms, Barh, Patna.
4. The Circle Officer, Pandarak, Patna.

... .. Respondent/s

Appearance :

For the Petitioner	:	Mr. Manish Kumar No.2, Advocate
For the Respondents	:	Mr. Rishi Raj Sinha, S.C. 19
		Mr. Birendra Prasad Singh, A.C. to S.C. 19

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 11-09-2019 Heard both sides.

Admittedly Jamabandi No.28 was standing in the name of Parmeshwari Devi, the mother of the petitioner but the cousin of the petitioner, namely, Bobby Kumar Gupta, Manoj Kumar Gupta and Parmeshwari Kumar Gupta filed petition for getting their names mutated with regard to the lands standing in the name of mother of the petitioner vide Jamabandi No.28. The petitioner filed petition for cancellation of Jamabandi Nos.94, 95 and 96 opened illegally in the name of Bobby Kumar Gupta, Manoj Kumar Gupta and Parmeshwari Kumar Gupta. The Additional Collector by order dated 28.07.2017 cancelled Jamabandi Nos.94, 95 and 96 holding that there was no basis for opening Jamabandi in the name of Bobby Kumar Gupta, Manoj Kumar Gupta and Parmeshwari Kumar Gupta with regard to



the land standing in the name of late Parmeshwari Devi, mother of the petitioner.

Learned counsel for the petitioner submits that petitioner filed petition (Annexure-3) before the Circle Officer, Pandarak on 02.07.2018 for restoration of Jamabandi No.28. It is needless to say that once Jamabandi Nos.94, 95 and 96 which was opened in the name of the cousins of the petitioner on representation that they were the legal heirs of late Parmeshwari Devi were cancelled. Jamabandi No.28 is restored. The petitioner, if so advised, may file petition along with his brothers for mutating their names as the property standing in the name of their mother devolved on them after the death of their mother.

Learned counsel for the petitioner after some arguments seeks permission to withdraw this writ petition with liberty to file petition for mutating the name of the petitioner and his brothers or all the legal heirs of late Parmeshwari Devi as the land standing in the name of their mother stands devolved after her death.

Prayer is allowed.

The writ petition is disposed of as withdrawn with the aforesaid liberty.

(Prabhat Kumar Jha, J)

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