

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23233 of 2019

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Sheela Lal, aged about 67 years, Female, Wife of Rudra Mohan Prasad,
Resident of Mohalla Kilapar, P.S. Bihar, Town Biharsharif, District Nalanda.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Land Reforms Department, Government of Bihar, Patna.
2. The District Magistrate-cum-Collector, Bihar Sharif.
3. The Additional Collector, Nalanda.
4. The Sub Divisional Officer, Biharsharif, District- Nalanda.
5. The Circle Officer, Bihar Sharif, Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Lala Sachindra Kumar
For the Respondent/s : Mr.Raj Kishore Roy (Gp18)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 16-12-2019 Heard both sides.

The petitioner filed this writ petition for quashing the notice dated 19.08.2019, issued by the Additional Collector, Nalanda for cancellation of *Jamabandi* standing in the name of the petitioner vide Jamabandi Cancellation Case No.33 of 2019.

Learned counsel for the petitioner submits that the nature of the land was originally *Gair Mazarua Aam* but in the year 1940, the ex-landlord settled the land in the name of Shri Raut through a *Sada Hukumnama* and Shri Raut came in possession of the land. The nature and character of the land changed. Thereafter through different sale deeds, the land in



question came in possession of the petitioner and her name was mutated. It is further submitted that a proceeding under Section 4H of the Bihar Land Reforms Act was initiated and the proceeding ended in favour of the vendor of the petitioner, therefore, there is no ground for cancellation of *Jamabandi* standing in the name of the petitioner, but I find that the Additional Collector, Nalanda has issued notice to show cause on the basis of the recommendation made by the Circle Officer stating therein that the nature of land is *Gair Mazarua Aam* and the same was not settled in favour of Shri Raut by the ex-landlord. The nature of land remained *Gair Mazarua Aam*, therefore, *Jamabandi* created in the name of the petitioner is liable to be cancelled. I find that only notice is issued calling upon the petitioner to show cause why *Jamabandi* standing in her name be not cancelled. The petitioner is required to file show cause and thereafter the Additional Collector, Nalanda shall dispose of Jamabandi Cancellation Case No.33 of 2019 in accordance with law. I find no illegality in the notice issued to the petitioner calling upon the petitioner to show cause, therefore, I dispose of this writ petition with a direction to the petitioner to appear before the Additional Collector, Nalanda and file reply to her show cause, upon such, the Additional



Collector, Nalanda shall dispose of Jamabandi Cancellation Case No.33 of 2019 in accordance with law within six months from the date of receipt of this order after hearing both the sides.

With the aforesaid direction, this writ petition is disposed of.

(Prabhat Kumar Jha, J)

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