

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 25228 of 2019

1. Dinesh Mehta, aged about 67 years, Male, Son of Late Hari Lal Mehta, Resident of Village- Karahwana, P.S. Chhatapur, District- Supaul.
2. Ramdeo Mehta, aged about 55 years, Male, Son of Late Hari Lal Mehta, Resident of Village- Karahwana, P.S. Chhatapur, District- Supaul.
3. Krishnadeo Mehta @ Krishna Kumar Mehta, aged about 47 years, Male, Son of Late Hari Lal Mehta, Resident of Village- Karahwana, P.S. Chhatapur, District- Supaul.
4. Ramu Mehta @ Rai Kumar Mehta, aged about 38 years, Male, Son of Late Hari Lal Mehta, Resident of Village- Karahwana, P.S. Chhatapur, District- Supaul.
5. Bindeshwari Mehta, aged about 40 years, Male, Son of Late Baider Mehta, Resident of Village- Karahwana, P.S. Chhatapur, District- Supaul.
6. Balram Mehta, aged about 68 years, Male Son of Late Prem Mehta, Resident of Village- Karahwana, P.S. Chhatapur, District- Supaul.
7. Siaram Mehta, aged about 55 years, Male, Son of Late Janak Mehta, Resident of Village- Karahwana, P.S. Chhatapur, District- Supaul.
8. Gangaram Mehta, aged about 65 years, Male Son of Late Janak Mehta, Resident of Village- Karahwana, P.S. Chhatapur, District- Supaul.

... .. Petitioner/s

Versus

1. Raghunath Yadav Son of Late Ramkisun Mandal, Resident of Village- Chhatapur, P.S. Chhatapur, District- Supaul.
2. Shubu Yadav, Son of Late Ramkisun Mandal, Resident of Village- Chhatapur, P.S. Chhatapur, District- Supaul.
3. Satya Narayan Yadav, Son of Sri Gangaram Yadav, Resident of Village- Khuti, P.S. Chhatapur, District- Supaul.
4. Sishir Kumar Yadav @ Anmol Yadav, Son of Sri Deo Nandan Yadav, Resident of Village- Khuti, P.S. Chhatapur, District- Supaul.
5. The Collector, Supaul.
6. The Sub- Divisional Officer, Trivenganj, Supaul.
7. The Circle Officer, Chattapur, District- Supaul.
8. Laxmun Mehta, Son of Late Harilal Mehta, Resident of Village-Karahwana, P.S. Chhatapur, District- Supaul.
9. Chandradeo Mehta, Son of Late Badri Mehta, Resident of Village- Karahwana, P.S. Chhatapur, District- Supaul.
10. Sitaram Mehta, Son of Late Prem Mehta, Resident of Village-Karahwana, P.S. Chhatapur, District- Supaul.
11. Shivram Mehta, Son of Late Prithabi Mehta, Resident of Village- Karahwana, P.S. Chhatapur, District- Supaul.
12. Deoram Mehta, Son of Late Prithabi Mehta, Resident of Village-Karahwana,



P.S. Chhatapur, District- Supaul.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ankit Katriar and
Mr. Raju Shekhar, Advocates
For the State : Mr. Sajid Salim Khan, SC 25
Mr. Arif Daula Siddique, AC to SC 25

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 17-12-2019

Heard learned counsel for the petitioners and learned
AC to SC 25 for the State.

2. The petitioners have moved the Court for the
following reliefs:

*“1. That this is an application praying for
issuance of a writ in the nature of a writ of
certiorari or any other appropriate
writ/order/direction to set aside the impugned order
dated 11.06.2019 passed by the learned Collector,
Supaul in Mutation Cancellation and Rent Fixation
Appeal No. 218/2012, as well as the order dated
25.08.2012 passed by the learned Sub-Division
Officer, Triveniganj, Supaul in Mutation
Cancellation and Rent Fixation Case No. 03/06,
whereby the petitioners’ application for cancellation
of fraudulently created jamabandi has been rejected
on non-est and erroneous grounds.*

*The petitioner further prays for a
consequent writ in the nature of a writ of mandamus
or any other appropriate writ/order/direction upon
the respondent authorities to mutate the subject land
in the name of the petitioners after cancelling the
jamabandis in question and, further, fix the rent of
the subject land.*

*The petitioner further prays for issuance of
any other appropriate writ/direction/order in the*



facts of the case to ensure timely and effective consequential benefits/relief to the petitioner.

2. That, briefly stated, the present writ application is founded on the grounds that the land in question belonged to the ancestors of the petitioners as would be evident from the old survey khatiyani. However, with mala fide intent, the respondents 1st and 2nd set have illegally got jamabandis created in their name with respect to the land in question. The petitioners have failed to submit any documentary proof by which they allegedly came in possession of the subject land and, despite a report from the Circle Officer supporting the case of the petitioners, the learned Courts below have dismissed the plea of the petitioners on non-est and Misconceived grounds.”

3. After some arguments, learned counsel for the State pointed out to the fact that the petitioners had challenged the order of mutation passed in favour of the private respondents of the year 1967 in the year 2006 i.e., after 39 years. It was submitted that a Bench of this Court in **Vijay Kumar Prasad vs. State of Bihar** reported as **2017(1) PLJR 818**, has held that an order of *Jamabandi* cannot be challenged after several decades but in case it was created fraudulently, the same has to be proved before a Court of competent jurisdiction and the same should not be done in a summary manner, by the revenue authorities.

4. Having regard to the aforesaid and taking into account the admitted position that the *Jamabandi* in favour of the private respondents created in the year 1967 was for the first time challenged in the year 2006, i.e., after 39 years, no relief can be



granted to the petitioners by the authorities and the present forum is also not appropriate for the same and, thus, challenge to the same would have to be made before the Civil Court of competent jurisdiction.

5. Accordingly, the writ petition stands disposed off with the observations aforesaid.

(Ahsanuddin Amanullah, J.)

P. Kumar

AFR/NAFR	
U	
T	

