

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.25383 of 2019**

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Mahabir Ray @ Mahaveer Ray, aged about 77 years, Male, Son of Late Mosafir Ray, R/o Village Kudariya, P.O. Dumarsan Bangara, P.S. Masharak, District Saran at Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
3. The Collector-cum-District Magistrate, Saran at Chapra.
4. The Additional Collector, Saran at Chapra.
5. The Deputy Collector Land Reforms, Marhaurah, District- Saran.
6. The Circle Officer, Masharak Circle, District Saran.

Respondent 1<sup>st</sup> set

7. Sri Amarendra Bahadur, Son of Late Rambahadur Prasad, Resident of Mohalla-Chhatradhari Bazar, Near Hospital Chowk, P.O.-Chapra, P.S. Bhagwan Bazar, District-Saran at Chapra.
8. Sri Binay Bahadur, Son of Late Syam Bahadur, Resident of Mohalla-Chhatradhari Bazar, Near Hospital Chowk, P.O.-Chapra, P.S. Bhagwan Bazar, District-Saran at Chapra.

Respondent no. 2<sup>nd</sup> set

9. Brahma Rai, Son of Late Laxman Rai, Resident of Village-Karn Kudariya, P.O. Dumarsan Bangash, P.S.-Masharak, District-Saran at Chapra.
10. Prabhu Rai, Son of Late Laxman Rai, Resident of Village-Karn Kudariya, P.O. Dumarsan Bangash, P.S.-Masharak, District-Saran at Chapra.

Respondent no. 3<sup>rd</sup> set

11. Bharat Rai, Son of Late Tuntun Rai, Resident of Village-Karn Kudariya, P.O. Dumarsan Bangara, P.S.-Masharak, District-Saran at Chapra.
12. Asohk Rai, Son of Late Tuntun Rai, Resident of Village-Karn Kudariya, P.O. Dumarsan Bangara, P.S.-Masharak, District-Saran at Chapra.
13. Shankar Rai, Son of Late Mahabal Rai, Resident of Village-Karn Kudariya, P.O. Dumarsan Bangara, P.S.-Masharak, District-Saran at Chapra.
14. Binda Rai, Son of Late Mahabal Rai, Resident of Village-Karn Kudariya, P.O. Dumarsan Bangara, P.S.-Masharak, District-Saran at Chapra.
15. Kedar Rai, Son of Late Mahabal Rai, Resident of Village-Karn Kudariya, P.O. Dumarsan Bangara, P.S.-Masharak, District-Saran at Chapra.
16. Biju Rai, Son of Late Mahabal Rai, Resident of Village-Karn Kudariya, P.O. Dumarsan Bangara, P.S.-Masharak, District-Saran at Chapra.
17. Baban Rai, Son of Late Raghubar Rai, Resident of Village-Karn Kudariya, P.O. Dumarsan Bangara, P.S.-Masharak, District-Saran at Chapra.
18. Dharmnath Rai, Son of Late Laxman Rai, Resident of Village-Karn Kudariya, P.O. Dumarsan Bangara, P.S.-Masharak, District-Saran at Chapra.



Respondent no. 4<sup>th</sup> set

... .. Respondent/s

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**Appearance :**

For the Petitioner : Mr. Jeetendra Narayan, Advocate  
For the State : Mr. Rishi Raj Sinha, SC 19 with  
Mr. Akhilesh Kumar Sinha, AC to SC 19)

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

**ORAL JUDGMENT**

**Date : 19-12-2019**

Heard learned counsel for the petitioner and learned AC  
to SC 19 for the State.

2. The petitioner has moved the Court for the following  
reliefs:

*“That this is an application for  
issuance of appropriate writ(s), order(s),  
direction(s) to the respondent no.3 i.e., the  
Collector-cum-District Magistrate, Saran at  
Chapra to hear and adjudicate the Jamabandi  
cancellation Appeal No. 24 of 2019 in view of  
section 9 (6) of the Bihar Land Mutation Act, 2011,  
r/w Rule 14 of the Bihar Land Mutation Rule, 2012.*

*And also for directing he respondent  
no.6 i.e., the circle officer Masharak, Saran to not  
disturb the peaceful possession of the petitioner  
and respondent no. 4<sup>th</sup> set, who have jointly  
preferred the aforesaid appeal against the order  
dated 12.07.2019 passed in Jamabandi  
cancellation case no. 31 of 2017 whereby and  
whereunder the Addl. Collector, Saran, Chapra has  
mechanically cancelled the Jamabandi no. 188  
which is running in the name of the ancestor to the  
petitioner.*

*And further for stay the operation of  
order dated 12.07.2019 passed in Jamabandi*



*cancellation case no. 31 of 2017 passed by Addl. Collector, Saran at Chapra till final adjudication of the abovesaid appeal or the instant case.*

*And also for any other relief or reliefs for which the petitioner is found to be entitled in the facts and circumstances of this case.”*

3. The grievance of the petitioner basically is that without any justification an erroneous order has been passed cancelling the *jamabandi* in favour of the petitioner by the Additional Collector, Saran for which he has filed *Jamabandi* Cancellation Appeal No. 24 of 2019 under Section 9(6) of the Bihar Land Mutation Act, 2011 read with Rule 14 of the Bihar Land Mutation Rules, 2012, (hereinafter referred to as the ‘Rules’) which is still pending.

4. Learned counsel for the petitioner submitted that despite under Rule 14(3) of the Rules, upon the appeal being filed, the Collector has to immediately call for the records from the Additional Collector, Saran, the same has not been done.

5. Learned counsel for the State submitted that the officer concerned be directed to dispose off the appeal.

6. Having considered the matter, the writ petition stands disposed off with a direction to the respondent no. 3 to immediately comply with the provision of Rule 14(3) of the Rules, if already not done, within one week from the date of production of copy of this order. He shall further proceed in the matter and



decide the appeal within three months thereafter, in accordance with law.

**(Ahsanuddin Amanullah, J)**

Ranjeet/Rahul

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