

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.931 of 2022

Umashankar Yadav

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Dwivedi

For the Respondent/s : Mr. Md. Khurshid Alam (AAG12)

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 15-11-2022

Re:- I.A. No. 01 of 2022

This Interlocutory Application has been filed for seeking amendment in the prayer portion of the main writ petition.

For the reasons mentioned in the Interlocutory Application, it is allowed.

The office will incorporate the additional prayer in the main writ petition which has been mentioned in the Paragraph-1 of the Interlocutory Application.

Re:- I.A. No. 02 of 2022

This Interlocutory Application has been filed for seeking amendment in the prayer portion of the main writ petition.

For the reasons mentioned in Paragraph-1 of the Interlocutory Application, it is allowed.



The office will incorporate the additional prayer in the main writ petition which has been mentioned in the Paragraph-1 of the Interlocutory Application.

Re:- C.W.J.C. No. 931 of 2022

Heard Shri Bambam Kumar, Advocate assisted by Shri Ranjan Kumar Dubey.

The long standing Jamabandi of the petitioner through his vendor which is standing since more than forty years has been cancelled by the Additional Collector, Siwan vide order dated 29.04.2022.

Learned counsel for the petitioner submits that the impugned order dated 29.04.2022 is no order in the eye of law as the consideration part is only in few lines and a valuable right of the petitioner cannot be decided by the authorities in such a cryptic manner. The only ground for cancellation is that the Jamabandi of the petitioner seems to be suspicious.

This Court has held repeatedly that the long standing Jamabandi in the name of a party cannot be cancelled by the authorities and for cancellation of long standing Jamabandi, the State has to file a title suit.

In these circumstances, the impugned order dated 29.04.2022 is quashed with a observation that if the State



suspects the Jamabandi of the petitioner to be illegal then the State has no option but to file a title suit for cancellation of long standing Jamabandi.

With the aforesaid observation and direction, this application is allowed.

The State authorities will not interfere in the possession of the petitioner, since the impugned order dated 29.04.2022 has been quashed.

(Sandeep Kumar, J)

Vikas/Shishir

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