

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5056 of 2020

Binod Kumar Singh

... .. Petitioner/s

Versus

The State of Bihar

.. ... Respondent/s

with

Civil Writ Jurisdiction Case No. 5913 of 2021

Aniklal Singh,

... .. Petitioner/s

Versus

The State of Bihar through Principal Secretary,

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 6328 of 2021

INDAL KUMAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 5056 of 2020)

For the Petitioner/s : Mr.Subodh Kumar

For the Respondent/s : Mr.Rishi Raj Sinha (Sc19)

(In Civil Writ Jurisdiction Case No. 5913 of 2021)

For the Petitioner/s : Mr.Prabhat Prasoon

For the Respondent/s : Mr.Lalit Kishore (Ag)

(In Civil Writ Jurisdiction Case No. 6328 of 2021)

For the Petitioner/s : Mr.Prabhat Prasoon

For the Respondent/s : Mr.Lalit Kishore (Ag)

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

8 23-09-2022

Heard the parties.

The long standing Jamabandi of the petitioner is
being sought to be cancelled.

The petitioner has made the following statement in
Paragraph-7 of the writ petition.



7. "That thus entire land of Plot No. 400 & 417 under Khata No. 119 Mauza Karna, Anchal Parbatta, Dist. Khagaria was settled to the petitioners much before the abolition of Zamindari and the landlord mentioned the name of all petitioners/ancestors/vendors in the return and they are getting receipts from the State of Bihar since the year of vesting of Zamindari. Consequently, the land under Khata 119 Plot No. 400 & 417 situated in Mauza Karna are Raiyati Land of the petitioner according to direction given by Rajyapal or even as per Law."

Learned senior counsel for the petitioner has relied on a judgment of this Court passed in CWJC No. 16123 of 2013 by which it has been held that a long standing Jamabandi cannot be cancelled by the State. If the State wants to cancel the said Jamabandi, the State will file a title suit for the same. Here in the present case the petitioners are undisputedly in possession of the land since more than hundred years though the learned counsel for the State submits that it seems that the petitioner and his predecessors in interest wherein possession for more than 50 years.

Learned counsel for the State submits that he has filed a counter affidavit and the land belongs to the State and therefore, the Jamabandi cancellation case proceedings initiated against the petitioners are legally valid in Paragrap-5.

The counter affidavit of the Paragraph-5 of the counter affidavit of the State read and follow.



That then after the Circle Officer called for a report from the Revenue Karamchari relating to the land in question. The Revenue Karamchari submitted a report relating to the land in question, i.e. Mouza-Karna, Tauzi No. 525, Khata No. 119, Khesra No. 417, from which it transpires that the said land is "Gair Majarua Khas" belonging to the State of Bihar as mentioned in Registration-II.

Considered the submissions of the parties.

In view of the law laid down by the Supreme Court in the case of ***Maya Devi Vs. State of Bihar and others*** reported in ***2014 (3) PLJR 584***, this writ application is allowed. The Jamabandi cancellation order is quashed.

The State is given liberty to initiate appropriate proceeding for cancellation of Jamabandi in the Civil Court. If the State doesn't file any appropriate proceeding in the Civil Court within two months from today then the petitioner is entitled to the compensation amount along with interest. If the State files a title suit in the Civil Court and gets an appropriate interim order with regard to the compensation amount then only the petitioner can be denied payment of the compensation otherwise he shall be entitled to the payment of compensation.

With the aforesaid observations and directions this application is allowed.

(Sandeep Kumar, J)

Guddu/-

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