

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8132 of 2022

Byash Pandey Son of Raghunandan Pandey, Resident of Banthu Sriram, P.S.
Andar, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms, Govt. of Bihar, Bihar.
2. The District Magistrate, Siwan.
3. The Additional District Magistrate, Siwan.
4. The DCLR, Siwan.
5. The Circle Officer, Ziradei, District- Siwan.

... .. Respondent/s

Appearance :

For the Petitioner : Mr.Ram Pravesh Nath Tiwari, Advocate
For the Respondents : Mr.Raj Kishore Roy (GP 18)

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 06-09-2022 Heard the parties.

The order dated 19.01.2021 was passed by the Additional Collector, Siwan in *Jamabandi* Cancellation Case No. 93 of 2019-20 by which *Jamabandi* created in favour of the petitioner with regard to Mauza Banthushriram Thana No. 221, Khata No. 136, Survey No. 187 has been cancelled.

It has been submitted by learned counsel for the petitioner that longstanding *Jamabandi* in the name of a citizen cannot be cancelled in *Jamabandi* Cancellation Case No. No. 93 of 2019-20 but the State has to file a Title Suit for cancellation of *Jamabandi*. In this regard, learned counsel for the petitioner has relied upon the judgment of Division Bench of this Court in



the case of *State of Bihar through the Collector Vs. Harendra Nath Tiwary* reported in *2015 (1) PLJR 606*.

From paragraph 11 of the writ petition it is clear that no notice was issued to the petitioner. Hence, this vitiates the entire proceeding.

If there is violation of the principles of natural justice in the original proceeding why the Court will wait for decision of the appeal.

In view of the aforesaid submission of learned counsel for the petitioner it is held that if and when the State wants to cancel longstanding *Jamabandi* in the name of the petitioner, State will have to file a Title Suit in the Civil Court and *Jamabandi* of the petitioner cannot be cancelled by the Additional Collector by starting *Jamabandi* Cancellation Case.

Considering the above, the order dated 19.01.2021 was passed by the Additional Collector, Siwan in *Jamabandi* Cancellation Case No. 93 of 2019-20 is quashed.

With the aforesaid observations and directions, this writ petition is allowed with cost.

(Sandeep Kumar, J)

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