

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6488 of 2018

1. Sudarshan Bind, Son of Sukhu Bind, Resident of Village - Kulhariya, Tola - Mahuaryia, Police Station - Durgawati, District- Kaimur (Bhabua).
2. Sri Ram, Son of Ram Nath Ram, Resident of Village - Kulhariya, Tola - Mahuaryia, Police Station - Durgawati, District- Kaimur (Bhabua).
3. Ram Akbal Ram, Son of Shyam Narayan Ram, Resident of Village - Kulhariya, Tola - Mahuaryia, Police Station - Durgawati, District- Kaimur (Bhabua).
4. Sri Kant Ram @ Sri Kant Kumar, Son of late Sharma Nand Ram, Resident of Village - Kulhariya, Tola - Mahuaryia, Police Station - Durgawati, District- Kaimur (Bhabua).
5. Baliram Ram, Son of Devaki Chamar, Resident of Village - Kulhariya, Tola - Mahuaryia, Police Station - Durgawati, District- Kaimur (Bhabua).
6. Gobardhan Chamar, Son of Mukhram Chamar, Resident of Village - Kulhariya, Tola - Mahuaryia, Police Station - Durgawati, District- Kaimur (Bhabua).
7. Nandu Ram Chamar, Son of Baijnath Chamar, Resident of Village - Kulhariya, Tola - Mahuaryia, Police Station - Durgawati, District- Kaimur (Bhabua).
8. Ramji Dusadh, Son of Narayan Dusadh, Resident of Village - Kulhariya, Tola - Mahuaryia, Police Station - Durgawati, District- Kaimur (Bhabua).
9. Shamsheer Kumar, Son of Late Mukhram Chamar, Resident of Village - Kulhariya, Tola - Mahuaryia, Police Station - Durgawati, District- Kaimur (Bhabua).
10. Gobind Chamar, Son of Meghu Chamar, Resident of Village - Kulhariya, Tola - Mahuaryia, Police Station - Durgawati, District- Kaimur (Bhabua).
11. Shiv Shankar Ram, Son of late Shiv Lochan Chamar, Resident of Village - Kulhariya, Tola - Mahuaryia, Police Station - Durgawati, District- Kaimur (Bhabua).
12. Shiv Kumar Ram Chamar, Son of Ful Chand Chamar, Resident of Village - Kulhariya, Tola - Mahuaryia, Police Station - Durgawati, District- Kaimur (Bhabua).
13. Vidhadhar Ram, Son of Parshuram Ram, Resident of Village - Kulhariya, Tola - Mahuaryia, Police Station - Durgawati, District- Kaimur (Bhabua).
14. Kharpattu Pal, Son of Shiv Narayan Pal, Resident of Village - Kulhariya, Tola - Mahuaryia, Police Station - Durgawati, District- Kaimur (Bhabua).
15. Babu Lal Bind, Son of Ghurbhari Bind, Resident of Village - Kulhariya, Tola - Mahuaryia, Police Station - Durgawati, District- Kaimur (Bhabua).
16. Durgesh Kharwar, Son of Rajendra Kahaar, Resident of Village - Kulhariya, Tola - Mahuaryia, Police Station - Durgawati, District- Kaimur (Bhabua).
17. Babu Lal Ram, Son of Haridwar Ram, Resident of Village - Kulhariya, Tola - Mahuaryia, Police Station - Durgawati, District- Kaimur (Bhabua).
18. Awadhesh Kumar, Son of Lalji Ram, Resident of Village - Kulhariya, Tola -



Mahuaryia, Police Station - Durgawati, District- Kaimur (Bhabua).

19. Narendra Ram, Son of Shiv Chand Ram, Resident of Village - Kulhariya, Tola - Mahuaryia, Police Station - Durgawati, District- Kaimur (Bhabua).
20. Lachaman Ram, Son of late Lal Chand Chamar, Resident of Village - Kulhariya, Tola - Mahuaryia, Police Station - Durgawati, District- Kaimur (Bhabua).
21. Rakesh Kumar, Son of Ram Adhar Kahaar, Resident of Village - Kulhariya, Tola - Mahuaryia, Police Station - Durgawati, District- Kaimur (Bhabua).
22. Ram Bali Ram, Son of Mishri Ram, Resident of Village - Kulhariya, Tola - Mahuaryia, Police Station - Durgawati, District- Kaimur (Bhabua).
23. Paach Ratan Ram, Son of Ghashi Ram, Resident of Village - Kulhariya, Tola - Mahuaryia, Police Station - Durgawati, District- Kaimur (Bhabua).
24. Munna Kahaar, Son of Murat Kahaar, Resident of Village - Kulhariya, Tola - Mahuaryia, Police Station - Durgawati, District- Kaimur (Bhabua).
25. Mustafa Hazam, Son of Bipatu Hazam, Resident of Village - Kulhariya, Tola - Mahuaryia, Police Station - Durgawati, District- Kaimur (Bhabua).
26. Bahadur Paswan, Son of late Shiv Badan Dusadh, Resident of Village - Kulhariya, Tola - Mahuaryia, Police Station - Durgawati, District- Kaimur (Bhabua).
27. Patiyari Devi, Wife of Baijnath Pal, Daughter-in-law of late Jai Sri Pal, Resident of Village - Kulhariya, Tola - Mahuaryia, Police Station - Durgawati, District- Kaimur (Bhabua).
28. Gauri Paswan @ Gauri Dusadh, Son of Badri Dusadh, Resident of Village - Kulhariya, Tola - Mahuaryia, Police Station - Durgawati, District- Kaimur (Bhabua).
29. Nirmal Paswan @ Nirmal Dusadh, Son of Narayan Dusadh, Resident of Village - Kulhariya, Tola - Mahuaryia, Police Station - Durgawati, District- Kaimur (Bhabua).
30. Kailash Paswan @ Kailash Dusadh, Son of Sheo Badan Dusadh, Resident of Village - Kulhariya, Tola - Mahuaryia, Police Station - Durgawati, District- Kaimur (Bhabua).
31. Bachan Kewat, Son of Gulam Kewat, Resident of Village - Kulhariya, Tola - Mahuaryia, Police Station - Durgawati, District- Kaimur (Bhabua).
32. Hansh Ram @ Hansh Ram Chamar, Son of Devaki Chamar, Resident of Village - Kulhariya, Tola - Mahuaryia, Police Station - Durgawati, District- Kaimur (Bhabua).
33. Munna Ram, Son of late Moti ram and Most. Basantiya Kuer, Resident of Village - Kulhariya, Tola - Mahuaryia, Police Station - Durgawati, District- Kaimur (Bhabua).
34. Basudev Chamar, Son of Salu Chamar, Resident of Village - Kulhariya, Tola - Mahuaryia, Police Station - Durgawati, District- Kaimur (Bhabua).
35. Ram Krit Paswan @ Ram Krit Dusadh, Son of Narayan Dusadh, Resident of Village - Kulhariya, Tola - Mahuaryia, Police Station - Durgawati, District- Kaimur (Bhabua).



36. Raj Kumar Ram, Son of Kharpattu Ram, Resident of Village - Kulhariya, Tola - Mahuaryia, Police Station - Durgawati, District- Kaimur (Bhabua).
37. Marahu Paswan @ Marahu Dusadh, Son of Badri Dusadh, Resident of Village - Kulhariya, Tola - Mahuaryia, Police Station - Durgawati, District- Kaimur (Bhabua).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue Development Department, Govt. of Bihar, Patna.
2. The District Magistrate-cum-Collector, Kaimur (Bhabua)
3. The Additional Collector, Kaimur (Bhabua).
4. The Circle Officer, Durgawati, District- Kaimur (Bhabua).
5. The Halka Karmchari, Anchal - Durgawati, Mauza - Kulhariya, Police Station - Durgawati, District- Kaimur (Bhabua).
6. Krishna Murari Singh, Son of Sri Mangla Prasad Singh, Resident of Village- Narayanpur (Daffi), B.H.U., Police Station - Varanasi, District- Varanasi, (U.P.).
7. Shiva Prasad Singh, Son of Late Kapil Deo Singh, Resident of - C-13/25, Aurangabad, Police Station- Chaitganj, District- Varanasi, (U.P.).

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Kumar Sunil, Advocate
For the Respondent/s	:	Mr. Rishi Raj Sinha, S.C-19
		Mr. Saurabh Kumar, A.C to S.C-19

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

- 3 08-05-2023 1. Heard learned counsel for the petitioners and learned counsel for the respondents.
2. The petitioners have filed the instant application for the following relief(s):-

*“(I). For a Direction upon the Respondents to create Jamabandi in the name of these Petitioners and issue Rent Receipts in their favour as they are the **Settlee and Red Card Holders** and whose favour Purcha were issued in the Year*



*1990 in connection with **Settlement Case No. 04/1990-91** for land recorded in Khata No. 191, 257, 261, 263 and 264 at Mauza- Kulhariya, Tola- Mahuaryia, P.S. & Anchal- Durgawati, District- Kaimur (Bhabua) and since then they are in peaceful possession over their respective lands.*

(II). For a Direction upon the Respondents not to disturb the peaceful possession over the land in question possessed by these Petitioners.

(II). For any other relief or reliefs as the Petitioners may found entitled by this Hon'ble Court be given.”

3. Bereft of unnecessary details, it is the case of petitioners that pursuant to the case under Ceiling Act having been initiated against the land holders, the excess land declared therein were distributed and *parcha* issued to the 37 petitioners herein. It is further submitted that distribution of the land in favour of the petitioners in the ceiling proceeding was challenged by the original land holders and is at present pending in the Bihar Land Tribunal vide B.L.T Case no. 253 of 2017.

4. Learned counsel for the petitioners further submits that no adverse orders has been passed by the learned Tribunal against the distribution of the land in the petitioners' favour. However, inspite of the petitioners' application, *Jamabandi* is not being created by the authority concerned in the petitioners'



favour.

5. Having heard learned counsel for the parties, this application is disposed of giving liberty to the petitioners that no sooner the case pending before the Bihar Land Tribunal ie BLT Case no. 253 of 2017 is decided, the petitioners will file an appropriate application for creation of *Jamabandi* before the authority concerned, enclosing a copy of the order passed by the Bihar Land Tribunal and the same shall be decided by the concerned authority at the earliest preferably within a period of four weeks from the date of its filing.

6. This writ application stands disposed of with the above observations and directions.

(Partha Sarthy, J)

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