

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1819 of 2017

Manoj Pandey Son of Late Vanshidhar Pandey, resident of North Dahiyawan
Tola, P.O. Chapra, P.S. Chapra Town, District - Chapra, Saran

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Chapra, Saran
3. The Additional District Magistrate, Chapra, Saran
4. The Circle Officer, Dariyapur, Chapra, Saran

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Raushan, Advocate
	:	Mr. Sahil Kumar, Advocate
For the Respondent/s	:	Mr. Dhurjati Kumar Prasad, GP-14

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL JUDGMENT

Date : 03-09-2024

Heard learned counsel for the petitioner and learned
counsel for the State.

2. Following relief(s) have been prayed for in
paragraph no. 1 of the present writ application.

*“1(i). Issuance of a direction, order or writ,
including writ in the nature of mandamus-
commanding the concerned respondent
authorities for upholding the order dated
03/02/14 passed by Additional District
Magistrate, Chapra, Saran by which it is
said that the said land is in title and
possession of the petitioner;*



(ii) Issuance of direction, order or writ, including writ in the nature of mandamus commanding the concerned respondent authorities to pass an order at the earliest which is pending before the District Magistrate Saran in Appeal Case No. 02/2014;

(iii) Any other relief/reliefs that the petitioner may be found to be entitled to in the facts and circumstances of the present case.”

3. Learned counsel for the petitioner submits that land bearing Khata No. 428, Rakba 4 Kathas 11 Dhur Jamabandi NO. 283 is in the name of the petitioner's father and Khata No. 428, Rakba 3 Kathas 10 dhur Jamabandi No. 282 is in the title name of the petitioner's mother. Learned counsel further submits that Circle Officer, Dariyapur, Saran cancelled both the aforesaid Jamabandi in Application No. 9/2012-13 which was in the name of petitioner's father and mother and sent it to Additional Magistrate, Chapra, Saran. Learned counsel further submits that Additional Magistrate, Chapra, Saran passed a detailed order dated 03.02.2014 by which the title and



possession of the petitioner was established and the order of the Circle Officer, Dariyapur, Saran was turned down. Thereafter, one Suresh Pandey filed a Jamabandi Rectification Appeal No. 2/2014-15 before District Magistrate, Chapra, Saran who has nothing to do with the said case.

4. Learned counsel further submits that notwithstanding the fact that the matter was already pending the Circle Officer, Dariyapur, Saran cancelled the jamabandi of the petitioner vide an order dated 18.03.2014. Learned counsel further submits that again on 25.06.2014, the Circle Officer, Dariyapur Chapra, Saran vide a letter stating that the Jamabandi will be in the name of the petitioner and status quo will be maintained. On the basis of some complaint, the Circle Officer, Dariyapur, Chapra, Saran has again cancelled both the Jamabandi No. on 31/12/2014 and the action was without any jurisdiction and procedure established by law. Learned counsel further submits that petitioner wrote a representation to District Magistrate, Chapra, saran stating all the facts in details so that a decision can be taken by him at the earliest but till date no decision has been taken by the District Magistrate, Saran and the matter is being delayed from long time.

5. Learned counsel further referring to paragraph no. 6



of the rejoinder affidavit (reply to the counter-affidavit) submits that pursuant to the order of the District Magistrate dated 24.01.2017, the petitioner and his brothers preferred a Jamabandi Cancellation Revision No. 31/2017 before the court of Commissioner, Saran Division, Chapra which is admitted vide order dated 24.08.2017 (Annexure-9) and is pending for adjudication. Learned counsel for the petitioner lastly prays that learned Commissioner, Saran Division, Chapra may be directed to dispose of the Jamabandi Cancellation Revision No. 31 of 2017 in expeditious manner. Learned counsel further prays that Respondent No.4 may be directed not to dispossess the petitioner from the land in question till the disposal of the aforesaid Revision case.

6. Learned counsel for the State has filed counter-affidavit in the matter but has raised no objection to the prayer for the petitioner for expeditious disposal of the aforesaid revision case.

7. Considering the aforesaid facts and circumstances and the contentions made on behalf of parties, Commissioner, Saran Division, Chapra is directed to dispose of the pending case of the petitioner bearing Jamabandi Cancellation Revision No. 31 of 2017 as expeditiously as possible without any undue delay



and unnecessary adjournment, preferably within a period of three months from today. Further, Circle Officer, Dariyapur, Chapra, Saran (Respondent No. 4) is directed that petitioner will not be dispossessed from the land in question till final disposal of the aforesaid case, i.e. Jamabandi Cancellation Revision No. 31 of 2017.

8. With the aforesaid observation/direction, the present writ application stands disposed of.

(Rudra Prakash Mishra, J)

Alok Verma/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	05.09.2024
Transmission Date	N/A

