

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4094 of 2017

Sukdeo Yadav Son of late Rameshwar Yadav Resident of Village-Sardarpur,
P.S. Nathnagar, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Inspector General of Registration Bihar, Patna.
3. District Sub-Registrar, Bhagalpur.
4. The Additional Collector, Bhagalpur.
5. The Anchal Adhikari, Nathnagar Block, P.O. and P.S. Nathnagar, District-
Bhagalpur.
6. Smt. Kanak Lata Majumdar Wife of late Krishna Mohan Majumdar
7. Gaurab Majumdar Son of late Anil Kumar Majumdar Both respondent nos. 6
and 7 resident of Mohalla Sujapur, P.O. and P.S. Nathnagar, District-
Bhagalpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Dr. Manoj Kumar, Advocate
For the Respondent/s	:	Mr. Md. Khurshid Alam, AAG-12

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

ORAL ORDER

2 18-07-2024 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present writ application has been filed for
issuance of an appropriate writ/writs in the nature of writ of
certiorari quashing the entire proceeding of Jamabandi



Cancellation Case No. 11/2016-17 initiated on the basis of application filed by Gaurab Majumdar, respondent no.7 by Anchal Adhikari Nathnagar which was later on sent to Additional Collector, Bhagalpur for further action.

3. Learned counsel for the petitioner submits that the petitioner purchased the land in question vide registered sale deed dated 14.12.2002 and, thereafter, the name of the petitioner was mutated in the revenue records. Thereafter, Smt. Kanak Lata Majumdar (Respondent no.6) without intimating the petitioner cancelled the sale deed dated 14.12.2002 vide registered deed of cancellation dated 02.02.2011. Thereafter, Respondent no.6 Smt. Kanak Lata Majumdar filed an application before Anchal Adhikari, Nathnagar for cancellation of *Jamabandi* made in favour of the petitioner as the sale deed executed in favour of the petitioner had been cancelled. Thereafter, vide order dated 27.08.2011 the Anchal Adhikari Nathnagar rejected the application for cancellation of *Jamabandi* created in favour of petitioner on the ground that right to cancel the deed is not vested with the Sub-Registrar. Whereafter, Gaurab Majumdar, Respondent no.7 who is none other than the grandson of respondent no.6, again filed application before Anchal Adhikari, Nathnagar (Respondent No. 5) for



cancellation of *Jamabandi*, created in favour of the petitioner vide application dated 04.01.2017 which gave rise to Jamabandi Cancellation Case No. 11/2016-17. The Anchal Adhikari called for a report from the *Karamchari* and on which the karamchari submitted report dated 05.02.2017 regarding recommending for cancellation of jamabandi on the basis of cancellation of sale deed. The Anchal Adhikari, Nathnagar, on the basis of report submitted by the Karmachari, ordered for sending the jamabandi cancellation Case No. 11/2016-17 before the Additional Collector, Bhagalpur for further action.

4. At the outset, learned counsel for the State referring to statement made in para-10 of the counter-affidavit filed on behalf of respondent nos. 4 and 5, submits that the Additional Collector, Bhagalpur (respondent no.4) found the proposal of cancellation of *Jamabandi* made by the Circle Officer Nathnagar in Jamabandi Cancellation Case No. 11/2016-17 not tenable in the eyes of law and by a reasoned and speaking order dated 05.12.2018 passed in Jamabandi Cancellation Case No. 28/2017-18 rejected the same and further directed to maintain the present *Jamabandi* unless an order for cancellation from a competent authority is brought. Thus, no sue survives as the writ application filed by the writ petitioner has become infructuous.



5. Accordingly, the writ application is dismissed as
withdrawn.

(Rudra Prakash Mishra, J)

Pankaj/-
Alok Verma/-

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