

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3466 of 2024

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1. Ghulam Mustafa Ansari son of Late Abdul Aziz Ansari, resident of Mohalla Samanpura, Raja Bazar, Ward No. 5, Police Station Shashtri Nagar and District Patna.
 2. Kainaat Mustafa wife of Ghulam Mustafa Ansari, resident of Mohalla Samanpura, Raja Bazar, Ward No. 5, Police Station Shashtri Nagar and District Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director cum Secretary Revenue and Land Reforms Department, Bihar, Patna.
2. The Collector cum The District Magistrate, Araria.
3. The Additional Collector, Araria.
4. The Sub Divisional Officer, Araria.
5. The Anchal Adhikari cum Circle Officer, Araria Block, District Araria.
6. The Superintendent of Police, Araria.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rama Nand Poddar, Advocate
For the Respondent/s : Mr. Government Pleader 25

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 20-06-2024 Heard the parties.

2. The present petition has been preferred for the
following reliefs:-

*(i) for quashing the order dated
05.06.2017 passed in Jamabandi Cancellation
Case No. 263 of 2016-17 (Anchal Adhikari, Araria
Versus Rajani Kant Upadhyay) Rajani Kant
Upadhyay died prior to 2009 but his Jamabandi
has been cancelled the land was purchased by the
petitioner no.1 from his wife as well as his legal*



representative in the year 2009;

(ii) for quashing the order dated 05.06.2017 passed in Jamabandi Cancellation Case No. 264 of 2016-17 (Anchal Adhikari, Araria Versus Shashank Shekher) by which his Jamabandi has been cancelled the land was purchased by the petitioner no. 1 in the year 2009;

(iii) for quashing the order dated 05.06.2017 passed in Jamabandi Cancellation Case No. 258 of 2016-17 (Anchal Adhikari, Araria Versus Tarun Kumar Chanchal) by which his Jamabandi has been cancelled the land was purchased by the petitioner no. 2 (who is wife of the petitioner no. 1) in the year 2009;

(iv) for issuance of a direction to the respondent authority to stop the wronged proceeding to grab the purchased land of the petitioner without any basis and without following procedure of law by way of cancellation of Jamabandi;

(v) for issuance of a direction to the respondent authority to act in accordance with the law;

(vi) for issuance of a direction to the respondents authority to stay the further proceeding for wrong acquisition of lands of the petitioners by way of cancellation of Jamabandi.

3. At the outset, learned State Counsel, Mr. Ramadhar



Singh points out that the Jamabandi Cancellation cases were admittedly fought between the State as also the vendors of the petitioners. He submits that the reasoned orders were passed on 05.06.2017 and the vendors have not approached this Court.

4. Seven years later, these petitioners of whom petitioner no. 1 claims to be a retired Sub-Divisional Officer have preferred the writ petition and the submission of the learned Counsel for the petitioners is that they purchased the 5½ acres of land during the service tenure of the petitioner no. 1 but without impleading them as party-respondent, the order was passed.

5. Learned State Counsel, on the other hand, reiterates that the order was passed against the vendors who though fought the case, never disclosed this fact before the authority that some of the land has been sold to these petitioners. He further submits that the petitioners deliberately chose not to implead the vendors as party-respondents in the present case despite their claim of having purchased the land from Pushpa Rani/Shashank Shekhar and Tarun Kumar Chanchal.

6. In that background, he submits that the writ petition is fit to be dismissed on the ground of delay and laches as also non-joinder of necessary parties.



7. This Court is in full agreement with the submission put forward by the learned State Counsel. The order was passed in the year 2017 against the vendors of the petitioners from whom the petitioners claim to have purchased 5 ½ acres of land in the district of Araria during his service tenure. The vendors neither disclosed regarding sell of the land nor ever challenged the order. The petitioners on the other hand waited for seven years in approaching the High Court and for the reasons best known and did not impleaded the vendors as party-respondents in the writ petition.

8. It seems the original landholders preferred Title Suit No. 176 of 2016 before the Court of learned Sub-Judge, Araria. The petitioners, if they so want can very well appear and contest the suit.

9. However, so far as the present writ petition is concerned, on the ground of delay and laches as also on the ground of non-joinder of necessary parties, the same is dismissed.

(Rajiv Roy, J)

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