

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17035 of 2017

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Md. Rabban Son of Md. Jalalluddin, Resident of Village- Mohanpur, Tola-
Usrahi, P.O. P.S.- Simri Bakhtiyarpur, District- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
3. Commissioner, Koshi Division, Saharsa.
4. Collector, Saharsa.
5. Deputy Collector, Land Reforms, Saharsa.
6. Circle Officer, Simri Bakhtiyarpur, Saharsa.
7. Md. Ali Ahmad, Son of Late Md. Jadlim, Resident of Village- Mohanpur, Tola- Usrahi, P.O. P.S.- Simri Bakhtiyarpur, District- Saharsa.

... .. Respondent/s

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Appearance :

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

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL JUDGMENT

Date : 22-08-2024

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. That this writ application is
being filed for a direction to the respondents,*



particularly, respondent Circle Officer, Simri, Bakhtiarpur to create Jamabandi in the name of the petitioner for the land measuring an area of altogether 68.05 decimal being

Khata No. Khesra No. Area(in A-D)

<i>70</i>	<i>1822</i>	<i>0-8(Western Side)</i>
	<i>1699</i>	<i>0-37(Western Side)</i>
	<i>1683</i>	<i>0-23.5(Western Side)</i>

situated at Mauza-Teghra Thana-Simri Bakhtiyarpur, District-Saharsa and thereby allow the petitioner to deposit rent for issuance of rent receipts.

This writ application is also being filed for holding that the impugned non-consideration of the case of the petitioner in the matter of creating Jamabandi against the aforesaid land in question in the name of the petitioner are illegal, arbitrary and without any lawful justification.

2. That the petitioner prays for the following reliefs:-



(I) For a direction to the respondents particularly respondent Circle Officer, Simri Bakhtiyarpur to create Jamabandi in the name of the petitioner for the land measuring an area of altogether 68.5 decimal being

Khata No. Khesra No. Area(in A-D)

70	1822	0-8(Western Side)
	1699	0-37(Western Side)
	1683	0-23.5(Western Side)

situated at Mauza-Teghra Thana-Simri Bakhtiyarpur, District-Saharsa and thereby allow the petitioner to deposit rent for issuance of rent receipts.

(II) For holding that the impugned non-consideration of the case of the petitioner in the matter of creating Jamabandi against the aforesaid land in question in the name of the petitioner are illegal, arbitrary and without any lawful justification.

(III) For any other relief/reliefs as your Lordships may deem fit and proper.”



3. Learned counsel for the petitioner submits that petitioner has ancestral property situated at village- Teghra, P.S.- Bakhtiyarpur Thana No. 9, Anchal- Bakhtiyarpur, District- Saharsa. Learned counsel further submits that Sheikh Jadleem, being Karta of the family deposited Rent (Malgujair) and accordingly receipt was issued (marked as Annexure-2 to the present writ application). Learned counsel further submits that the ancestral Khatiani land of the petitioner was distributed as half share to the Jadleem (uncle of the petitioner) and half share to the Fannu(Grandfather of the petitioner). The heirs of the aforesaid persons are in peaceful possession of the land, but, unfortunately, jamabandi could not be created by the Circle Officer in the name of the petitioner as yet. Learned counsel further submits that petitioner filed an application dated 01.08.2017 before the Circle Officer, Simri Bakhtiyarpur, District-Saharsa requesting therein to create Jamabandi of the land being old Khata No. 139(New-71) situated at Village- Teghra, P.S. Simri Bakhtiyarpur, District-Saharsa by modifying Jamabandi No. 104. Learned counsel further submitted that aforesaid application dated 01.08.2017 is still pending before the Circle Officer, Simari at Bakhtiyarpur. Learned counsel further submits the petitioner, time and again approached the authority



concerned for redressal of his grievance, but nothing has been done as yet. Learned counsel further submits that rents of the aforesaid lands could not be deposited by the petitioner on the ground that Jamabandi has not been created in his name. Learned counsel, therefore, prays that Circle Officer, Simari at Bakhtiyarpur may be directed to dispose of the representation dated 01.08.2017 within a time frame.

4. A detailed counter-affidavit has been filed by the State on through Respondent Nos. 3, 4, 5 and 7. Learned counsel for the State referring to paragraph no. 4 of the said affidavit submits that land in question, i.e. Khesra No. 1697 area 23 decimal, 1699 area 74 decimal, 1683 area 47 decimal situated at Mauza Teghra, Thana Simri Bakhtiyarpur, District- Saharsa and Jamabandi No. 104 is running in the name of the Jadleem, the late father of the private respondent no. 7, and Rent receipt (Annexure-2) has been issued. It is further submitted that the petitioner has claimed for creation of Jamabandi in his name regarding land in question with extent of his $\frac{1}{2}$ share on the basis of entry in revisional survey khatian i.e. Annexure-1, which is not final and hence, it requires to be adjudicated by the competent court.

5. Considering the aforesaid facts and circumstances



and in view of the limited prayer made by the petitioner, the Circle Officer, Simri Bakhtiyarpur(Respondent No.6 herein) is directed to consider the representation filed by the petitioner dated 01.08.2017 (Annexure-3 to the present writ petition) and pass reasoned and speaking order in accordance with law within a period of two months from the date of receipt/production of a copy of this order.

6. 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	31.08.2024
Transmission Date	N/A

