

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9789 of 2021

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Mahesh Pandit son of Late Nirsu Pandit, Resident of Village - Dan Nagar, P.S.
and District- Khagaria.

... .. Petitioner

Versus

1. The State of Bihar through the Collector, Khagaria.
2. The Collector, Khagaria.
3. The Deputy Collector Land Reforms, Khagaria, District- Khagaria.
4. The Circle Officer, Khagaria, District Khagaria.
5. Jagdish Pandit son of Late Ram Bahadur Pandit resident of Village - Dan Nagar, P.S. and District Khagaria.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Devendra Prasad Sinha, Sr. Advocate
For the Respondent/s : Mr. AC to AG

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 30-09-2024 Heard Mr. Devendra Prasad Sinha, the learned senior

counsel for the petitioner and the learned counsel appearing on

behalf of the respondents.

2. The present writ petition has been filed for quashing

the order dated 27.06.2012 passed in Jamabandi creation case no.

04 of 2009-10 by learned Deputy Collector Land Reforms (for

brevity, DCLR), Khagaria (respondent no. 3) and order dated

15.05.2018 passed by learned Collector, Khagaria (respondent no.

2) in Jamabandi creation appeal no. 06 of 2013 affirming the

aforementioned order as well as the order dated 21.01.2020 passed

by member Administrative Bihar Land Tribunal in BLT Case No.

197 of 2019.

3. Learned counsel for the petitioner submits that



Santan Pandit, the grand father of the petitioner was settlee of the land in question from ex-landlord, Sonbarsa Raj, who executed a deed of settlement in the year 1927 for the present land in question along with other land, which was / is in possession of the petitioner's grand father and now the settlement is in possession of the petitioner.

4. Learned counsel for the petitioner submits that petitioner filed a title suit no. 40 of 1987 in the Court of learned Munsif, Khagaria to declare title of the petitioner with respect to the land in question (which is the subject matter of the present writ petition) and others also joined with respect to the different lands settled to them. The title suit no. 40 of 1987 was dismissed vide judgment dated 29.03.1995 and decree dated 18.04.1995. Thereafter, the petitioner filed title appeal no. 06 of 1995 against the judgment dated 29.03.1995 and decree dated 18.04.1995 and the aforesaid appeal was transferred to the Court of learned permanent Lok Adalat, Khagaria on request of parties. It appears that the order passed in title suit no. 40 of 1987 was binding upon the parties and the DCLR, Khagaria (respondent no. 3) had initiated the Jamabandi creation Case no. 04 of 2009-10 in light of the case records received from the Circle Officer, Khagaria (respondent no. 4) vide his letter no. 543 dated 07.04.2010 and DCLR, Khagaria (respondent no. 3) dismissed the case on



27.06.2012. The petitioner again filed Jamabandi creation appeal case no. 06 of 2013 in the Court of learned Collector, Khagaria (respondent no. 2). The said case was dismissed on 15.05.2018 and the learned Collector, Khagaria (respondent no. 2) has held that the Jamabandi of the land in question was running in the name of respondents on the basis of the order passed in title suit no. 40 of 1987 and order dated 27.09.2005 passed in appeal no. 6 of 1985.

5. The learned Collector, Khagaria (respondent no. 2) has also recorded that no cogent material / evidence could be brought by the petitioner in support of his prayer for creation of Jamabandi in his favour.

6. In view of the aforesaid, it appears that after order passed in title suit no. 40 of 1987 vide judgment dated 29.03.1995 and decree dated 18.04.1995, the petitioner has no right over the land in question and the authorities have rightly rejected the claim of the petitioner.

7. Accordingly, no case is made out for the interference of this Court and the present writ petition stands dismissed.

(Rajesh Kumar Verma, J)

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