

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11144 of 2023

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1. Vinay Kumar Singh son of Late Ramji Singh, resident of village- Kamsara, P.O, Korari Tola Bharauli P.S. Daraunda, District-Siwan.
 2. Prabhawati Rai @ Prabhawati Kuer, wife of Lakshmi Narayan Rai, resident of village- Pipra, P.O. and P.S. Daraundha, District - Siwan.
 3. Shambhunath Sah, son of Late Bunilal Sah, resident of village- Pipra, P.O and P.S. Daraundha, District - Siwan.
 4. Ram Vilash Sah, son of Chhathu Sah, Resident of village- Pipra, P.O. and P.S. Daraundha, District - Siwan.
 5. Satyadeo Chaudhary @ Satyadeo Prasad, son of Ram Prasad Yadav, resident of village- Bhusi, P.O. Mahual Mahal, P.S. Daraunda, District- Siwan.
 6. Bhagmani Devi, wife of Sri Kaushalendra Sah, resident of village- Pipra, P.O. and P.S. Daraunda, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Revenue and Land Reforms Department Government of Bihar, Patna.
3. The District Magistrate, Siwan, District- Siwan.
4. The Land Reforms Deputy Collector, Siwan, District- Siwan.
5. The Additional Collector, Siwan, District - Siwan.
6. The Circle Officer, Daraunda, District- Siwan.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. S.B.K. Manglam, Advocate
For the Respondent/s : Mr. Sajid Salim Khan (SC-25)

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 01-04-2024 Heard Mr. S.B.K. Manglam, learned counsel for the

petitioners and Mr. Sajid Salim Khan, learned SC-25.

2. The present petition has been preferred for issuance
of an appropriate writ in the nature of Certiorari for quashing
the notices dated 12.07.2023 issued under the signature of



Respondent no.5,directing the petitioners to appear in his court for the purposes of hearing on 28.07.2023 but without mentioning any case number in the notice and without serving a copy of the ground leading to initiation of a proceedings against the petitioners for cancellation of their respective Jamabandi case;

(ii) for a declaration that if the petitioners had been raising their grievance for measurement of land under their possession and the land required for construction of Block Office from the original map, the Respondent no.6 would not have recommended for cancellation of their Jamabandi to the Respondent no.5 in haste without getting the measurement of land from the original map and the Respondent no.5 ought not to have initiated the cancellation proceeding if he was aware about the grievances raised by the petitioners.

3. Mr. S.B.K. Manglam, learned counsel for the petitioners submit that a bare perusal of the notices would show that neither the case no. nor the land for which notice has been issued is/are incorporated.

4. He has drawn the attention of this Court to Rule 13 of the Bihar Land Mutation Rules, 2012 (modified rules 2017) which read as follows:



“13(1) Any person having interest in a land or a part thereof may file a petition for the cancellation of jamabandi before the Additional Collector of the district in whose jurisdiction the land or a part thereof is situated, in Form-XV.

(2) Authorized representative of any Department of the Government having its interest in a land or a part thereof may, for the cancellation of a jamabandi, make a reference to the Additional Collector under whose jurisdiction the land or a part thereof is situated.

(3) The Additional Collector on receipt of a petition in Form-XV for the cancellation of jamabandi or on reference from an authorised representative of the Government Department having an interest in the land or a part thereof or suo motu, if he is satisfied that there is sufficient evidence that the jamabandi has been created in violation of any law or in contravention of an executive instruction, shall initiate proceeding for the cancellation of the jamabandi by issuing general notice in Form-XVI inviting objections from the public of the locality and specific notices in Form-XVII to persons having interest in the land and the part thereof including inter alia the persons having jamabandi of the land in



question.”

5. Learned SC-25, Mr. Khan submits that though the notices are indeed vague, the fact remains that the petitioners have appeared and had prayed for time.

6. To this, Mr. Manglam submits that naturally once notices are served, the appearance has/have to be filed that does not mean that the respondents who are responsible authority can be exonerated of sending such a vague notice.

7. He has drawn the attention of this Court to an unreported case of **Kumar Nawlesh vs The State of Bihar & Ors** in **CWJC No. 3336 of 2024** disposed of on **28.02.2024** relating to similar such issuance of vague notice which was set aside by the High Court.

8. This Court has gone through the facts of case as also the notice which is definitely cryptic inasmuch as no details is/are there in it. In that view of the matter, this Court takes note of the order dated 28.02.2024 passed in Kumar Nawlesh (supra) in CWJC No. 3336 of 2024. Paras 8 to 11 read as follows:

8. In view of the said cryptic notice issued by the Additional Collector, Lakhisarai which is bereft of the details of the land, a fact even acknowledged by the State counsel, this Court also follows the same route as decided in the case of



Reena Devi (supra).

9. The notice issued in Jamabandi Cancellation No. 140/2023-24, issued by the Additional Collector, Lakhisarai, dated 12.01.2024 (Annexure-P/1 to the writ petition) stands quashed.

10. The Additional Collector is free to issue fresh notice incorporating all the details of the land that it wants from the petitioners.

11. The writ petition stands disposed of with aforesaid observation.

9. In the aforesaid circumstance, the notices issued in Annexure-8 series of the writ petition stands quashed.

10. The Additional Collector, Siwan is free to issue fresh notices incorporating all the details of the land on which it want the petitioners to submit their response.

11. The writ petition stands disposed of with the aforesaid observation.

(Rajiv Roy, J)

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