

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12629 of 2024

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1. Yasmin Khatoon Wife of Arman Kuraishi @ Md. Arman, resident of Village-Bhawanipur, Alamchak, P.O. and P.S.-Mansoorchak, District-Begusarai.
 2. Nasreen Pravin @ Nasren Khatoon Wife of Ful Mohammad, at present resident of Village-Ababkarpur, P.S.-Chainpur, District-Vaishali. resident of Village-Bhawanipur, Alamchak, P.O. and P.S.-Mansoorchak, District-Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms, Government of Bihar, Patna.
2. The Collector, Begusarai.
3. The Additional Collector, Begusarai.
4. The Circle Officer, Mansoorchak, District-Begusarai.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Wasi Akhtar, Adv.

For the Respondent/s : Mr. Standing Counsel (20)

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL JUDGMENT

Date : 29-08-2024

Heard learned counsel for the parties.

2. In this writ petition, the petitioners have prayed for following relief:-

“1. i) For issuance of an appropriate writ(s) in the nature of Certiorari to quash the initiation of Jamabandi Cancellation proceeding which has been registered as Jamabandi Cancellation Case No. 121/2023-24 without assigning any reason in the notice dated 01.12.2023 and further to quash the notice dated 01.12.2023 issued to the petitioners by the Respondent No. 3 i.e. Additional Collector, Begusarai, as the notice itself is bad and beyond the jurisdiction since the



notice does not disclose the reason which is mandatory requirement as contemplated under section 9 of the Bihar Land Mutatin Act, 2011 (Hereinafter referred to as the Act).

ii) For a direction to stay the further proceeding of Jamabandi Cancellation Case No. 121/2023-24 pending before Respondent No. 3 i.e. Additional Collector, Begusarai, else it will cause serious prejudice to the petitioners.

iii) For grant of any other relief/releifs to which the petitioners are found entitled or to pass any other order(s)/direction(s) which your Lordships may deem fit and proper in the facts and circumstances of the case.”

3. Learned counsel for the petitioners submits that the petitioners were issued notice as contained in letter no. 224 dated 01.12.2023 under the signature of Additional Collector, Begusarai in Jamabandi Cancellation Case No. 121/2023-24, directing the petitioners to appear and file show-cause mentioning the date of appearance as 22.01.2024. He further submits that a bare perusal of the aforesaid notice dated 01.12.2023, it would show that no details of the land is/are mentioned in it and only it has been informed that the Jamabandi Cancellation Case No. 121/2023-24 has been instituted.

4. Learned counsel for the petitioners further submits that Rule 13 of the Bihar Land Mutation Rules, 2012 (modified



rules 2017) describes about Form 17, which is mandatory requirement for the issuance of notice, which is missing in the present notice.

5. Learned counsel for the petitioners further points out that the present case is entirely covered by the order dated 28.02.2024 passed by a Co-ordinate Bench of this Court in CWJC No. 3336 of 2024 and prays for disposal of this case in the same terms.

6. Learned counsel for the State acknowledges that the notice is bereft of the details of the land and, as such, is an incomplete notice.

7. Having heard learned counsel for the parties, this Court finds that the notice dated 01.12.2023 passed by the Additional Collector, Begusarai in Jamabandi Cancellation Case No. 121/2023-24 is bereft of the details of the land, which has also been acknowledged by the counsel for the State.

8. In that view of the matter, the notice dated 01.12.2023 passed by the Additional Collector, Begusarai in Jamabandi Cancellation Case No. 121/2023-24 is quashed.

9. The Additional Collector, Begusarai is at liberty to issue fresh notice incorporating all the details of the land that it wants from the petitioners.



10. The writ petition stands disposed of in the aforesaid terms.

(Rudra Prakash Mishra, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02.09.2024
Transmission Date	

