

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12656 of 2024

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1. Kapildev Prasad, Son of Late Akshaylal Prasad, Resident of ward no. 03, Mohalla- Balbatara, PS- Ara Nagar, District- Bhojpur (Ara).
 2. Santosh Kumar, Son of Late Akshaylal Prasad, Resident of ward no. 03, Mohalla- Balbatara, PS- Ara Nagar, District- Bhojpur (Ara).

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector, Bhojpur, Ara.
2. The Collector Bhojpur, Ara.
3. The Additional Collector, Bhojpur, Ara.
4. The Circle Officer, Circle Office, Ara, Bhojpur.
5. The Tahasildar (Halka Karmchari) cum Revenue Officer, Circle Office, Ara, Bhojpur.
6. Danish Rizwan Son of Late Hafiz Raja Resident of Tari Mohalla, P.S. Ara Nagar, District- Bhojpur (Ara).
7. Jamal Ashraf Son of late Hafiz Raja Resident of Tari Mohalla, P.S. Ara Nagar, District- Bhojpur (Ara).
8. Shahid Ali Son of Late Hafiz Raja Resident of Tari Mohalla, P.S. Ara Nagar, District- Bhojpur (Ara).

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Saroj Kumar, Advocate
For the Respondent/s : Mr. Kumaresh Singh, AC to GP-28

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL JUDGMENT

Date : 27-08-2024

Heard the parties.

2. The petitioners are aggrieved by the order dated 19.07.2024 passed by the respondent no.4, whereby respondent no.4 has allowed the application of private respondents no. 6, 7 and 8 and open a Jamabandi in their name with respect to plot of land bearing Khata no. 70, plot no. 507 area 0.98 decimal situated at Mauja Balbatra, Bhojpur Ara.

3. Learned counsel for the petitioners contended that



the land in question was purchased by the forefather of the petitioners vide Jamabandi no. 71/11 dated 03.08.1967, the land was entered in the name of the father of the petitioners. Subsequently, the private respondents in collusion with respondent no.4, got the Jamabandi bearing no. 0150 in the name of their father. The petitioners approached before the Additional Collector, Bhojpur by filing Jamabandi Cancellation Case no. 30/23-24. The respondent-Collector being satisfied with the claim of the petitioners vide its order dated 03.04.2024, allowed the case of the petitioners and cancelled the Jamabandi of private respondents no. 6, 7 and 8 in Jamabandi Cancellation Case No. 30/23-24. Being aggrieved, private respondent no. 8 filed Jamabandi Cancellation Appeal no. 11/2024 before respondent no.2, who vide order dated 08.07.2024 stayed the order of respondent no.3. While the appeal was pending before respondent no.2 for final adjudication, in the meanwhile, respondent no.4 vide order dated 19.07.2024 again opened the Jamabandi of private respondents no. 6, 7 and 8, ignoring all the materials available on record, which order is impugned herein.

4. Learned counsel for the petitioners further contended that the action of respondent no.4 speaks loud about his *mala fide* intention to extend undue favour to the private respondents, for the reasons best known to him.



5. At this juncture, learned counsel for the State submitted that Jamabandi Cancellation Appeal no. 11/2024 is pending consideration before the Collector Bhojpur, Ara and from the record, it appears that on account of creation of Jamabandi, the Collector has also issued show-cause notice to the Circle Officer, Ara Sadar vide order dated 29.07.2024.

6. Regard being had to the submissions advanced on behalf of the respective parties and taking note of the fact that the Jamabandi Cancellation Appeal no. 11/2024 is pending before the Collector Bhojpur, Ara, who is the competent authority under the Bihar Land Mutation Act, 2011 to take into consideration the claim of the petitioners, and pass necessary order in accordance with law, the writ petition stands disposed of. However, suffice it to say that the order of Jamabandi dated 29.07.2024 passed by the Circle Officer, Ara Sadar, shall be the subject matter of final outcome of the Jamabandi Cancellation Appeal no. 11/2024.

(Harish Kumar, J)

rohit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29-08-2024
Transmission Date	

