

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15653 of 2024

Umashankar Bhagat Son of Late Basudeo Bhagat Resident of Village- House
no 12, Ward no 22, Maharajganj, P.S. and District -Jamui, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar Represented through the Principal Secreary, Department of Land Reforms and Revenue, Government of Bihar, Patna.
2. The District Magistrate, Jamui.
3. The Adl. Collector, Jamui.
4. The Circle Officer, Jamui Block, District-Jamui.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Deo Prakash Singh, Advocate.
For the Respondent/s : Mr. Standing Counsel (18)

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 28-11-2024 1. Heard learned counsel for the petitioner and learned
AC to SC-18.

2. The Circle Officer, Jamui Block, in compliance of
the order dated 26.11.2024 is present in the Court.

3. The learned counsel appearing on behalf of the
petitioner submits that the instant writ application has been filed
seeking quashing the order dated 20.08.2024 in Case No.237
passed by the Circle Officer, Jamui Block, whereby the Circle
Officer has rejected the application of the petitioner, seeking
Land Possession Certificate with respect to his raiyati land,
pertaining to Khata No.36, Khesra No.194, Area 4.5 decimals,
Thana No.40, Mauza-Kalyanpur, Halka Nagar Parishad, Halka



No.15 under Jamui Block.

4. It is submitted that the land in dispute is raiyati land of the petitioner and Jamabandi No.1384 was created in the year 1952-53, which is still continuing. It is further submitted that in the year 2004, the petitioner had applied for grant of Land Possession Certificate and the same was issued by the Circle Officer on 07.07.2024, based on the recommendation, made by the Circle Inspector, wherein it was categorically mentioned that after verification from Register-II, the land in question is in possession of the petitioner, over which, he has got his pucca house constructed.

3. It is next submitted that recently the petitioner was in need of money and thus approached the Bank for seeking loan, on which, the Bank demanded up-to-date Land Possession Certificate from the petitioner, accordingly, the petitioner on 27.07.2024 applied for issuance of Land Possession Certificate before the Circle Officer but the same came to be rejected by an order dated 20.08.2024, on the ground that the land in question is a government land.

4. The learned counsel for the petitioner submits that the land is raiyati land of the petitioner since time immemorial and the petitioner has his residential house over the land in



question, which was also reported by the Circle Inspector in the year 2004, when petitioner had applied for issuance of Land Possession Certificate, it is submitted that the petitioner and his family are staying in the said house for more than 100 years. It is further submitted that earlier, the Circle Officer had issued Land Possession Certificate, as recorded hereinabove, but all of a sudden, in the year 2024, the Circle Officer took a U-turn and rejected the application of the petitioner, seeking Land Possession Certificate, on the ground that the land is a government land, when Jamabandi No.1384 till date is in existence and has not been cancelled.

5. The learned counsel draws the attention of the Court to Annexure-1 to the writ application i.e. the rent receipts of the year 2002, it is submitted that from perusal of the rent receipts dated 30.01.2002, it would manifest that the same at Column-3 records that the rent has been accepted in one go from 1952-53 till 2001-02 which amply demonstrates that the Jamabandi No.1384 was in existence, as such, the said demand was made. The learned counsel next submits that the land in dispute was also part of Title Suit No.50/1972 and the land in dispute in the said Partition Suit came in share of the petitioner and his family members.



6. It is submitted that the Circle Officer in the year 2024 is taking a plea that the land in question is a government land but then the jamabandi is in existence, which is not in dispute, the land was part of the aforesaid title suit, which amply demonstrates that there was a dispute in the family with regard to the land in dispute, as such, the same formed part of the title suit in the year 1972, which further gives credence that the petitioner and his family members were in possession of the property. It is next submitted that this Court, in the case of **Anju Kumari Vs. The State of Bihar (C.W.J.C. No.4523 of 2020)** by its order dated 31.07.2023 has held that “*long standing jamabandi cannot be cancelled in a summary proceeding and if the State intends to get the jamabandi cancelled, in that event, the State will have to move before the learned Civil Court.*”

7. The Circle Officer, who is present in the Court submits that the Land Possession Certificate shall be issued to the petitioner within one month from today, subject to the condition that the authorities shall be free to take action in accordance with law.

8. After hearing the learned counsel for the parties and the Circle Officer, the order dated 20.08.2024 in Case No.237 passed by the Circle Officer, Jamui Block is hereby quashed,



with the liberty to the authorities to seek their remedy in
accordance with law

9. The writ application is allowed, with the aforesaid
liberty.

10. The counter affidavit filed on behalf of the State is
taken on record.

11. The personal appearance of the Circle Officer,
Jamui Block is dispensed with.

(Satyavrat Verma, J)

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