

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16155 of 2024

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Raunak Jahan, Wife of Ibrar Alam, Resident of Village-Hamzapur, P.S.-
Amas, District-Gaya (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The District Magistrate, Gaya, District-Gaya (Bihar)
3. The Land Reforms Deputy Collector, Sherghati, District-Gaya (Bihar).
4. The Circle Officer, Amas, District-Gaya (Bihar).

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Abhishek, Adv.
For the Respondent/s : Mr. Rajesh Kumar, AC to GP-3

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 22-10-2024 Heard the learned counsel for the petitioner and the

learned AC to GP-3.

2. The learned counsel for the petitioner submits that the instant writ application has been filed for a direction upon the respondent no.4 to issue rent receipts in favour of the petitioner with respect to the land, for which, Jamabandi No.80 of 2014 was created. The learned counsel submits that Most. Kaili Devi, Most. Kamla Devi and Gaura Chaudhary jointly had sold their land pertaining to Khata No.304/2018, Plot No.1120/2020. Area 11 Decimals by registered sale deed dated 13.09.2013 (Annexure-1) to the petitioner. It is submitted that after the petitioner purchased the aforesaid land, he applied for



mutation and accordingly, Jamabandi No.80/2014 was issued and the rent receipts were being issued till 2017-18. It is submitted that thereafter all of a sudden the Jamabandi No.80 of 2014 was cancelled by the D.C.L.R. on an application of one Md. Sharmad Siddiqui.

3. The learned counsel submits that the order dated 09.03.2018 passed by the D.C.L.R. cancelling the Jamabandi No.80 of 2014 was challenged before this Court in C.W.J.C. No.24871/2018. It is next submitted that C.W.J.C. No.24871/2018 was allowed by an order dated 19.12.2022 on the ground that the Deputy Collector, Land Reforms, Sherghati, District-Gaya does not have jurisdiction to cancel the Jamabandi i.e. Jamabandi was cancelled by an authority who was not competent to cancel the same.

4. The learned counsel thus submits that once the order dated 09.03.2018 passed by the D.C.L.R. stands quashed then automatically the Jamabandi No.80 of 2014 revived, as such, the petitioner be issued the rent receipts.

5. The learned AC to GP-3 submits that from perusal of the order dated 19.12.2022 in C.W.J.C. No.24871/2018, it would manifest that the learned Single Judge while allowing the writ application had also clarified that Court has not gone into



the merits of the case and if the parties have any dispute over the right, title and possession of the land in question, they are free to avail the remedy to move the concerned Civil Court for declaration of right, title and possession/recovery of possession over the land in question. The learned AC to GP-3 further submits that no doubt the Jamabandi No.80 of 2014 stood revived but then Jamabandi does not give right to any title but definitely raises the presumption of possession over the land but then the learned Single Judge while allowing C.W.J.C. No.24871/2018 had clearly recorded that if the parties have any dispute over the right, title and possession of the land in question, they are free to avail the remedy to move the concerned Civil Court, as recorded, hereinabove.

6. The learned counsel appearing on behalf of the petitioner does not dispute the said submission of the learned counsel appearing on behalf of the State but then submits that the Court had clarified that if any of the parties have any dispute over the right, title and possession of the land in question, in that event, they are free to avail the remedy to move before the concerned Civil Court. It is submitted that since the Jamabandi has revived in the name of the petitioner, as such, the C.O. be directed to issue rent receipts. It is also submitted that petitioner



has filed an application dated 30.01.2023 before the Circle Officer, Amas, District-Gaya for issuing rent receipts in his favour (Annexure-P/4) but the said application till date has not been acted upon, on which, the learned AC to GP-3 submits that the Circle Officer shall be communicated to dispose of the representation of the petitioner dated 30.01.2023 in accordance with law.

7. Considering the submissions made by the learned counsel for the parties, the writ application is disposed of with a direction to the Circle Officer, Amas, District- Gaya to dispose of the representation of the petitioner dated 30.01.2023 in accordance with law, within a period of 6 months from the date of receipt of the order.

(Satyavrat Verma, J)

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