

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16329 of 2023

1. Gautam Kumar Son of Late Maya Shankar Jha Resident of Village- Balbhadrapur, P.S. Laherisarai, District- Darbhanga.
2. Ramapati Jha, Son of Late Kanhaiya Jha Resident of Village- Balbhadrapur, P.S. Laherisarai, District- Darbhanga.
3. Gauri Shankar Jha, Son of Late Ramdeo Jha Resident of Village- Balbhadrapur, P.S. Laherisarai, District- Darbhanga.
4. Mohan Jha @ Mohan Kumar Jha, Son of Late Ramdeo Jha Resident of Village- Balbhadrapur, P.S. Laherisarai, District- Darbhanga.
5. Umesh Jha, Son of Late Sukhdeo Jha Resident of Village- Balbhadrapur, P.S. Laherisarai, District- Darbhanga.
6. Suresh Jha, Son of Late Sukheo Jha Resident of Village- Balbhadrapur, P.S. Laherisarai, District- Darbhanga.
7. Raman Kumar Jha, Son of Late Anirudh Jha Resident of Village- Balbhadrapur, P.S. Laherisarai, District- Darbhanga.
8. Shiv Shankar Jha, Son of Late Sitaram Jha Resident of Village- Balbhadrapur, P.S. Laherisarai, District- Darbhanga.
9. Rama Shankar Jha, Son of Late Achak Narayan Jha Resident of Village- Balbhadrapur, P.S. Laherisarai, District- Darbhanga.
10. Prem Shankar Jha, Son of Late Achak Narayan Jha Resident of Village- Balbhadrapur, P.S. Laherisarai, District- Darbhanga.
11. Jata Shankar Jha, Son of Late Vishnu Deo Jha Resident of Village- Balbhadrapur, P.S. Laherisarai, District- Darbhanga.
12. Bala Shankar Jha, Son of Late Mishri Lal Jha Resident of Village- Balbhadrapur, P.S. Laherisarai, District- Darbhanga.
13. Uday Shankar Jha, Son of Late Asharfi Lal Jha Resident of Village- Balbhadrapur, P.S. Laherisarai, District- Darbhanga.
14. Amarjee Jha, Son of Late Asharfi Lal Jha Resident of Village- Balbhadrapur, P.S. Laherisarai, District- Darbhanga.
15. Dinesh Jha, Son of Late Hardeo Narayan Jha Resident of Village- Balbhadrapur, P.S. Laherisarai, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through District Magistrate/Collector, Darbhanga.
2. Commissioner, Darbhanga.
3. Additional Collector, Darbhanga.
4. Deputy Collector Land Reforms, Darbhanga.
5. Sub- Divisional Officer, Darbhanga.
6. Circle Officer, Bahadurpur Block, Darbhanga.
7. Circle Inspector, Bahadurpur Block, Darbhanga.



8. Revenue Karmachari, Bahadurpur Block, Darbhanga.
9. Anchal Amin, Block Bahadurpur, Darbhanga.
10. Md. Kamruddin, Son of late Md. Abdul Ghani, Resident of Shahganj Benta, P.O.- BMC, P.S.- Laheriasarai, District- Darbhanga.
11. Ibene Hassan @ Baban Mian, Resident of Shahganj New Balbhadrapur, Lakheriasarai, Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Kauslendra Pd. Singh, Adv.
For the Respondent/s	:	Mr. Sajid Salim Khan (SC25)
	:	Mr. Arif Daula Siddiqui, AC to SC25

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 05-01-2024 Heard learned counsel for the petitioners and learned counsel for the State.

2. The present writ petition has been filed for setting aside the order dated 20.06.2023 by which respondents have cancelled the Jamabandi of the petitioners' land and directed the Circle Officer, Bahadurpur to act accordingly. The further prayer has been made to the respondents not to take action in the light of judgment with relief for grant of stay on the operation of order dated 20.06.2023.

3. Counsel for the petitioners submits that this case has been initiated at the instance of private respondent No.10 who has filed P.I.L. bearing C.W.J.C. No. 18397 of 2018 in which this Hon'ble Court after hearing the petitioners, has directed to Collector to pass order upon hearing the parties which resulted into order dated 20.06.2023.

4. Counsel for the State vehemently opposes the writ petition and submits that defective prayer has been demanded



by the counsel for the petitioners as by virtue of order dated 20.06.2023, Jamabandi of the respondent has not been cancelled rather it is a direction made to the Circle Officer to do needful towards Jamabandi cancellation proceedings.

5. Counsel further submits that actually the said order is not against the petitioners rather this order is in favour of the petitioners and under Section 9 of the Bihar Land Mutation Act, 2011, there is already protection granted that prior to passing order of about cancellation of Jamabandi, the authority is bound to hear the persons concerned whose Jamabandi is under challenge.

6. Counsel further submits that from the said order dated 20.06.2023, cancellation of Jamabandi order has not been passed rather proceeding is directed to be drawn in accordance with law.

7. After hearing the parties and upon perusal of the order under challenge, it transpires to this Court that the order passed by the Collector is in three parts. In the first part, it has been decided by the Collector that in the present facts and circumstances, the question of title is involved for which only competent authority is the civil court, and therefore, in the opinion of the Court, the petitioners shall be at liberty to file a title suit for declaration of the title in their favour.

8. The second part is the principles of law decided and in the opi

, the said principle is also in favour of



the petitioners whereas in the third part, it is mere recommendation to initiate the proceedings for cancellation of Jamabandi in accordance with law. This part of the order is absolutely lawful and there is no need of any interference in the opinion of the Court.

9. As such, this writ petition is disposed of directing the petitioners to avail remedy before the competent civil court. So far as the question of cancellation of Jamabandi is concerned, petitioners shall be at liberty to file any appropriate petition before the competent civil court to get such relief or to contest the case as and when the occasion shall arise upon receiving notice in the Jamabandi cancellation proceeding.

10. With the aforesaid direction, the present writ application is hereby disposed of.

(Dr. Anshuman, J.)

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