

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16148 of 2018

Shakti Dhar Rai Son of Late Ravindra Nath Rai, Resident of Village- Kuchhila, P.S.- Kochas, District- Rohtas at present resident of Village- Barahuti Kala, P.S.- Kochas Persathua, District- Rohtas.

... .. Petitioner/s

Versus

1. The State Of Bihar, through Principal Secretary, Revenue and Land Reforms Department, Bihar, Patna.
2. The Collector, Rohtas at Sasaram.
3. The Additional Collector, Rohtas at Sasaram.
4. The Deputy Collector, Land Reforms Sasaram, District- Rohtas.
5. The Circle Officer, Kochas, District- Rohtas.
- 6.1. Sanjay Kumar Singh @ Sanjay Rai Son of Late Sheomurti Rai, Resident of Village - Barahuti Kala, P.O. Barahuti Kala, Police Station - Kochas, District - Rohtas.
- 6.2. Dewanta Devi Daughter of Late Sheomurti Rai, Resident of Village - Barahuti Kala, P.O. Barahuti Kala, Police Station - Kochas, District - Rohtas.
- 6.3. Parwati Devi Wife of Ram Pravesh Singh, Daughter of Late Sheomurti Rai, Resident of Village - Khanethi, P.O. Basahi, Police Station - Kudra, District- Kaimur (Bhabua).
7. Vijay Bahadur Rai, Both Sons of Late Ramdas Rai,
8. Baban Prasad Rai, Son of Late Yadu Rai, Respondent nos. 6 to 8 are resident of Village and P.O.- Barahuti Kala, P.S.- Kochas Parsathua, District- Rohtas.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Surendra Kumar Choubey, Advocate
For the Respondent/s	:	Mr. Sajid Salim Khan, SC-25

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 05-05-2025 Heard learned counsel for the petitioner and learned counsel for the State.

2. The present writ petition has been filed for the following reliefs:-

(i) Issuance of writ in the nature of writ of mandamus directing the respondent



authorities to make measurement of the land in Mauja Barahuti Kala Thana No. 48, pertaining to C.S. Khata No. 33, C.S. Plot No. 247, corresponding to R.S. Khata No. 64, R.S. Plot No. 314,315,308,309 total area 24 decimals and deliver the possession to the petitioner from respondent nos. 6 to 8 in which matter petitioner's representations are pending before the respondent authorities and measurement fee has already been deposited before them.

(ii) Issuance of a writ in the nature of writ of mandamus directing the respondent authorities to take action on representations i.e. Annexure-7 and pass reasonable order which is pending since 2016.

(iii) Issuance of writ in the nature of writ of certiorari quashing the order dated 25.6.2018 passed by the respondent authority i.e. Additional Collector, Rohtas at Sasaram (respondent no. 3) in Jamabandi Cancellation Case no. 1/2017 filed by the respondent nos. 6 to 8, whereby and whereunder he has been pleased to cancel the Jamabandi No.17/II related to petitioner's land i.e. Mauja -Barahuti Kala pertaining to R.S. Khata No. 64, R.S. Plot No. 314, 315, area 14 decimals and 6 decimals respectively i.e. total 20 decimals.



(iv) *Issuance of any other appropriate writ(s) or order(s) or direction which may be deemed fit and proper in the facts and circumstances of the case.*

3. Learned counsel for the petitioner submits that the respondent authority, the Additional Collector, Rohtas at Sasaram, (respondent No. 3) has cancelled the old pending *jamabandi* which had been continuing in the petitioner's favour since 1961.

4. Learned counsel for the State raises preliminary objection and submits that the said land was recorded in the name of *Anabad Bihar Sarkar*, and therefore, the *jamabandi* has been rightly cancelled. Counsel further submits that a statutory remedy is available to the petitioner by way of filing an appeal before the Collector, under Section 9(6)(a) of the Bihar Land Mutation Act, 2011 (Act No. 23 of 2011) [hereinafter referred to as Act of 2011] within 30 days. Hence, he submits that the present writ petition is not maintainable.

5. In response thereto, counsel for the petitioner relies on the judgment reported in the case of *Nathuni Singh @ Nathuni Singh Yadav & Ors. v. State of Bihar & Ors.*, 2024 (2) BLJ 525, and submits that a long-pending *jamabandi* may not be interfered with.



6. Learned counsel for the State further submits that it shall be appropriate for the petitioner to file an appeal.

7. After hearing the parties and perusing the writ petition, it transpires to this Court that the long-pending *jamabandi* has been cancelled, and the private parties, i.e., the heirs of respondent Nos. 6, 7, and 8, are not here. This Court finds it appropriate to dispose off the writ petition with a direction to the petitioner to avail the remedy of appeal U/s 9(6) of the Act of 2011, before the Collector, Rohtas at Sasaram (respondent No. 2), who shall decide the matter, after hearing all concerned parties, in accordance with law as laid down in *Nathuni Singh @ Nathuni Singh Yadav* (supra), within 90 days.

8. It is made clear that any delay in filing the appeal is hereby directed to be condoned, and the period of 90 days shall be counted from the date of completion of appearance of all opposite parties.

9. It is also made clear that if any party creates third-party rights by virtue of the said order, the same shall not be effective during the pendency of the litigation.

(Dr. Anshuman, J.)

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