

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5783 of 2024

Md. Shakil Ahmad @ Mohammad Shakeel Ahmad, Son of Md. Bashir Uddin
Resident of Village- Burha Nagar, Darsoh Lane, P.O.-Islampur, P.S.-
Islampur, District-Nalanda, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Revenue and Land Reforms, Patna.
2. The Additional Chief Secretary, Revenue and Land Reforms, Department, Govt. of Bihar Patna.
3. The Divisional Commissioner, Patna.
4. The Collector, Patna.
5. The Deputy Collector Land Reforms, Patna.
6. The Circle Officer, Phulwari Sharif.
7. Arshela Faridi Son of Syed Mohamad Resident of Mohalla-P.O. and P.S.- Phulwarisharif, District-Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Masoom Alam- Advocate Mr. Suraj Narain Yadav – Advocate Mr. Chandra Mohan- Advocate
For the Respondent/s	:	Mr. Khurshid Alam-AAG-12 Ms. Divya Verma AC to AAG- (3)

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

7 28-07-2025 1. Heard learned counsel for the petitioner Mr. Suraj Narain Yadav and Mr. Khurshid Alam, learned AAG-12 for the State.

2. The learned counsel appearing on behalf of the State submits that a detailed order was recorded when the case was taken up on 18.03.2025 and thereafter, again on 16.06.2025 and 24.06.2025, on which the learned counsel appearing on behalf of the petitioner further submits that in sum and



substance the dispute involved in the present case is that petitioner had purchased 7.1875 decimal of land i.e. 02 kattha 06 Dhur from Arshela Faridi by two separate registered sale deeds of the Year 2008 and 2010. Arshela Faridi i.e. vendor of the petitioner had purchased 48 decimal of land pertaining to Khata No.734, Plot No.2526 from one Md. Mustafa and Md. Yusuf by sale deed No.3733 dated 16.03.1991 and thereafter, got the land mutated. It is submitted that Arshela Faridi thereafter sold the entire 48 decimals of his purchased land to different purchasers including the petitioner. It is also submitted that all the purchasers are in possession of their purchased land from Arshela Faridi including the petitioner. It is further submitted that petitioner applied for getting his purchased land mutated in the Year 2019, but his mutation application came to be rejected on the ground that the land is showing Zero in Plot No.2526. The learned counsel submits that it absolutely does not stand to reason that when no purchaser from Arshela Faridi is disputing the possession of the petitioner over his purchased land, then on what basis, his mutation application was rejected recording that the land showing in Plot No.2526 is Zero.

3. It is also submitted that a supplementary counter-affidavit has been filed on behalf of the Circle Officer,



Phulwarisharif wherein it has been specifically pleaded that petitioner is in possession of the land in dispute and is staying by constructing a Pucca house over his purchased land. Since the Circle Officer has also not disputed petitioner's possession over his purchased land, then why his land is not being mutated. It is also submitted that since none of the purchaser are disputing the possession of the petitioner over his purchased land, it amply demonstrates that the land which the petitioner purchased till date has not been mutated in favour of any other person.

4. It is next submitted that when the case was taken up on 24.06.2025, a submission was made by the learned AAG-12 that the total land in Plot No.2526 was 53 decimal and the map of the plot showed that total land is about 58 decimal. It is further submitted that it is not in dispute that Arshela Faridi purchased 48 decimal of land from Md. Mustafa and Md. Yusuf and thereafter Jamabandi No.18810 was created in his name with regard to 48 decimals of land, but then, Arshela Faridi sold 101.1 decimal of land to different purchasers in Plot No.2526, when the said plot was having an area of 58 decimals only. It is thus submitted that Arshela Faridi by committing forgery sold the same land to different purchasers and thus, it might be a



possibility that petitioner, despite being a valid purchaser, could not get his purchased land mutated as no land is left in Plot No.2526 for mutation, since Arshela Faridi by executing registered sale deed sold 101.1 decimal of land pertaining to Plot No.2526 to 22 persons.

5. The said contention of the learned AAG-12 was rebutted by the petitioner by making a submission that land is identified by its boundary and the sale deeds of the petitioner clearly records the boundary of his purchased land, on which it is submitted that the learned AAG-12 had sought two weeks' time and the Circle Officer, Phulwarisharif was directed to file a second supplementary counter-affidavit and the case was fixed for 14.07.2025.

6. The learned AAG-12, at this stage, submits that when the case was taken up on 14.07.2025, it was submitted that the records of the case has been examined and it was culled out that petitioner after constructing his house over the land in dispute is in possession of the same also. Further, the land has been mutated in the name of Jaif Ahmad Kaisar, though Jaif Ahmad Kaisar is not in physical possession of the land in dispute, as such, it was submitted by the learned AAG-12 that petitioner can file an application before the A.D.M. Patna by



filing Jamabandi Cancellation Case for getting the Jamabandi created in the name of Jaif Ahmad Kaiser cancelled.

7. The learned counsel for the petitioner submits that since it has been recorded in the second supplementary counter-affidavit-affidavit filed on behalf of the Circle Officer, Phulwarisharif that the land in dispute stands recorded in the Jaif Ahmad Kaiser, as such, petitioner should move before the A.D.M., Patna for getting the Jamabandi created in name of Jaif Ahmad Kaiser cancelled, as such, the petitioner will move before the A.D.M., Patna for getting the Jamabandi created in the name of Jaif Ahmad Kaiser cancelled.

8. After hearing the learned counsel for the parties and taking into consideration the order dated 18.03.2025, 16.06.2025, 24.06.2025 and 14.07.2025, the writ application is disposed of with a liberty to the petitioner to move before the Additional District Magistrate, Patna by filing a Jamabandi Cancellation Case seeking cancellation of Jamabandi created in the name of Jaif Ahmad Kaiser on or before 18.08.2025.

9. In the event, if any Jamabandi Cancellation Case is filed by the petitioner on or before 18.08.2025, in that event, the Additional Collector, Patna shall consider and dispose of the same in accordance with law within a period of three months



thereafter, after giving proper opportunity of hearing to all concerned including the petitioner and the Circle Officer, Phulwarisharif.

10. It is made clear that in the event, if Jamabandi Cancellation is filed by the petitioner after 18.08.2025, in that event, the Additional Collector shall not be bound to dispose of the application within a period of three months, in that event, the Additional Collector shall be at liberty to consider and dispose of the case in accordance with law not bound by the instant order.

(Satyavrat Verma, J)

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