

Civil Writ Jurisdiction Case No.4012 of 2025

- Petitioner/s

1. The State of Bihar through the Principle Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The Collector, Aurangabad.
3. The Additional Collector, Aurangabad.
4. The Circle Officer, Madanpur.
5. The Minor Irrigation Department through its Secretary Government of Bihar, Patna.

... .. Respondent/s

For the Petitioner/s	:	Mr. J. S. Arora- Sr. Advocate Mr. Ravi Bhatia- Advocate Mr. Manoj Kumar- Advocate
For the Respondent/s	:	Mr. Raghwanand- Government Advocate (11) Mr. Prabhat Kumar- AC to GA-11

ORAL ORDER

application was settled in favour of the ancestors of the petitioners by way of a *Hukumnama* in the Year 1939 and some part of the land was also purchased by the ancestors of the petitioners. It is further submitted that after vesting of *Zamindari*, Jamabandi was created in the name of the ancestors of the petitioners. It is next submitted that since several Jamabandis were created in respect of the land in dispute in the instant writ application, hence the rent was being accepted by the State from the persons in whose name, the Jamabandi was created. It is next submitted that all of a sudden, Jamabandi Cancellation Cases were instituted before the A.D.M., Aurangabad for getting the Jamabandi with respect to the land in dispute cancelled. Accordingly, the A.D.M. cancelled the Jamabandis standing in the name of the petitioners against which the petitioners have filed an appeal before the Collector, Aurangabad. It is next submitted that while appeal of the petitioners against the order cancelling their Jamabandis passed by the A.D.M. is pending adjudication, but the authorities are proceeding with digging of the land for the purposes of constructing pond. The learned senior counsel next submits that the law is well-settled that even if Jamabandi is cancelled, the petitioners cannot be dispossessed by the Executive Authorities/ Administrative Authorities. It is also submitted that the authorities should be restrained from interfering with the possession of the



land till the order cancelling Jamabandi attains finality statutorily. It is submitted that petitioners, apart from the remedy of filing appeal before the Collector, also has remedy of moving the Bihar Land Tribunal, in the event, if the appeal of the petitioners is rejected by the Collector.

3. The learned counsel appearing on behalf of the State fairly submits that since appeal of the petitioners is pending consideration before the Collector, in that event, the authorities should not have interfered with the possession of the petitioners over the land, but then, it is submitted that time be granted for filing counter-affidavit.

4. After hearing the learned counsel for the parties, the writ application is disposed of with a direction to the authorities not to interfere with the possession of the petitioners over the land in dispute till the statutory appeal of the petitioners against the order cancelling Jamabandi passed by the A.D.M., Aurangabad is pending adjudication.

5. The writ application is disposed of.

(Satyavrat Verma, J)

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