

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6448 of 2019

- 1.1. Atwari Devi @ Atwaro Devi Wife of Late Bhola Manjhi, Resident of Village and Post - Daraundha, P.s. Daraundha, District- Siwan - 841233.
- 1.2. Bindu Devi Wife of Ramchandra Manjhi, Resident of Village and P.O. - Alapur, P.s. - Pachrukhi, District- Siwan - 841286.
- 1.3. Rita Devi Wife of Fulena Manjhi Resident of Village Raniwari, P.O. Rukundipur, P.S. - Daraundha, District- Siwan - 841238.
- 1.4. Rani Devi Wife of Rajdeo Manjhi Resident of Village - Sherpur, P.O. - Machauta, P.S. - Daraundha, District- Siwan - 841233.
- 1.5. Runa Devi Wife of Dashrath Manjhi Resident of Village and P.O. Chhapia Khurd, P.S. - Hussainganj, District- Siwan - 841226.
- 1.6. Nirma Devi Wife of Shankar Manjhi Resident of Village Barhan Gopal, P.O. Barhan, P.S. - Siwan Muffasil, District- Siwan - 841227.
- 1.7. Rambabu Paswan Son of Late Bhola Paswan @ Bhola Manjhi Resident of Village and P.O. - Dharaundha, P.S. - Dharaundha, District- Siwan - 841233.
- 1.8. Shyam Babu Paswan Son of Late Bhola Paswan @ Bhola Manjhi Resident of Village and P.O. - Dharaundha, P.S. - Dharaundha, District- Siwan - 841233.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Home, Government of Bihar, Patna.
3. The Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
4. The Collector-cum-District Magistrate, Siwan.
5. The Deputy Collector, Land Reforms, Maharajganj, District- Siwan.
6. The Circle Officer, Daraunda, District- Siwan.
7. The Managing Director, North Bihar Power Distribution Company Limited, Bidyut Bhawan, Bailey Road, Patna- 800001.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Jeetendra Narayan, Advocate
For the Respondent/s : Mr. Md. Khursid Alam (AAG-12)

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER



5 08-05-2025 Learned counsel for the petitioners and learned counsel for the State are present.

2. The present writ petition has been filed with a direction to the respondents to protect the property of the petitioners, in light of the Circular No. 925 dated 11.11.2014, issued by the Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.

3. Learned counsel for the petitioners submits that the land in question, over which the petitioners are claiming, is *Gairmazarua Malikan* land, which had been settled in favour of the petitioners' ancestors by the concerned authority, i.e., the intermediary, prior to the vesting of the *zamindari*. In this regard, the petitioners rely on documents relating to the said settlement prior to 1940. Subsequently, at the time of the vesting of *zamindari*, the *jamabandi* was recorded in the name of the petitioners' ancestors, and rent receipts were also issued in their favour. Counsel further submits that when illegal construction was started by North Bihar Power Distribution Company Limited (respondent No. 7) on the petitioners' land, the petitioners filed a representation before the Collector, which is annexed as Annexure-4 series. However, no action has been taken so far, and the matter remains pending before the



Collector. Therefore, counsel submits that a specific direction be issued to the Collector, who is the competent authority, to decide the matter in light of Circular No. 925 dated 11.11.2014, issued by the Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.

4. Learned counsel for the State, in response, submits that after receiving the writ petition, respondent No. 6 initiated a *jamabandi* cancellation case, bearing No. 04 of 2019-20. In the said case, an order was passed on 14.05.2019, in which it was opined that the *jamabandi* of the petitioners is suspicious in nature, and a recommendation was made to the Additional Collector, Siwan, for its cancellation. Counsel for the State further submits that such action is beyond the mandate of law, as the respondents in question have no jurisdiction to take any steps regarding the cancellation of the *jamabandi*.

5. After hearing the parties, it transpires to this Court that a circular has been issued by the Revenue Department, wherein the Collector has been designated as the competent authority to decide such matters. As per Annexure-4 series, the representation has been pending before the Collector since 2019. However, it appears that action was initiated by the Additional Collector to begin the process of cancellation of



jamabandi only after receiving a copy of writ petition.

6. This Court hereby restrains the Additional Collector from proceeding further in the matter, particularly in view of the fact that the representation is already pending before the Collector from an earlier date. Accordingly, the Collector is directed to pass an order on the said representation filed by the petitioners within 90 days from the date of production of this order.

7. It is made clear that, if the representation is not available before the Collector, the petitioners shall be at liberty to file a fresh representation, as the matter pertains to the year 2019. Upon receipt of such representation, the Collector shall pass an appropriate order within 90 days in accordance with law.

(Dr. Anshuman, J.)

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