

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4508 of 2025

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Anand Bhushan Kumar S/o Harakh Narayan Singh R/o Village - Paleya, Ward
No. - 05, Makhdumpur, P.S. - Makhdumpur, District - Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Urban Development and Housing Department, Govt. of Bihar, Patna.
2. The District Magistrate, Jehanabad, District- Jehanabad.
3. The Sub Divisional Magistrate, Jehanabad, District- Jehanabad.
4. The Circle Officer, Makhdumpur.
5. Executive Officer, Nagar Panchayat, Makhdumpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Sri Ansul, Sr. Advocate Sri Kumar Harshvardhan, Advocate Sri Aditya Singh, Advocate Sri Sudhanshu Prakash, Advocate
For the Respondent/s	:	Sri Pankaj Kumar, SC-12 Sri Sudama Kumar, AC to SC-12
For the Respondent No. 5 :		Sri Vindhya Keshri Kumar, Sr. Advocate Sri Binay Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 15-04-2025 Heard Sri Ansul, learned Senior Counsel for the petitioner, learned Standing Counsel No. 12 for the State and Sri Vindhya Keshri Kumar, learned Senior Counsel appearing on behalf of the respondent no. 5.

2. Learned Senior Counsel appearing on behalf of the petitioner submits that the land pertaining to Khata No. 183, Plot No. 1595/1876, area 38 decimals was acquired by the ancestors of the petitioner through Hukumnama granted by Tekari Raj Trust in the name of Late Harakh Narayan Singh. The land in Cadestral Survey Khatian was recorded as Gairmajarua Malik Land. After



settlement, the settlee was put in possession of the land and Jamabandi No. 110/90 was opened in the name of Late Harakh Narayan Singh and rent receipt was issued as would manifest from Annexure-1 to the writ application. It is further submitted that Case No. 1548/1978 under Section 106 of the B.T. Act was filed by Harakh Narayan Singh against the State of Bihar. The Assistant Settlement Officer-cum-Deputy Collector, Gaya - Nawada and Aurangabad decided the case in favour of Harakh Narayan Singh by an order dated 06.03.1982 (Annexure-2). It is next submitted that move were a foot for constructing a market over the land in dispute but the Circle Officer, Makhdumpur vide his letter dated 08.06.2018 (Annexure-3) addressed to the Executive Officer, Nagar Panchayat, Makhdumpur informed that the land belongs to Harakh Narayan Singh and giving NOC for construction of market will not be legal. Thereafter, the Circle Officer vide his letter dated 05.09.2020 requested the ADM, Jehanabad to initiate Jamabandi Cancellation Case against the land in dispute, accordingly, Jamabandi Cancellation Case No. 15/AC/2021-22 was initiated and notices were duly served on the petitioner but on account of COVID-19, the petitioner was not able to produce the documents relating to the land, hence, Jamabandi came to be cancelled. It is also submitted that petitioner filed Jamabandi Cancellation Appeal No. 21/DM/2021-22 against the order passed by the ADM,



Jehanabad in Jamabandi Cancellation Case No. 15/AC/2021-22. It is submitted that Jamabandi Cancellation Appeal No. 21/DM/2021-22 is pending adjudication before the Collector, Jehanabad but then during pendency of the appeal, the Executive Officer, Nagar Panchayat, Makhdumpur has issued Tender No. 02/2024-25 dated 05.08.2024 (Annexure-5) for construction of Ramashray Babu Market Complex on the land which is impugned in the instant writ application.

3. Learned Senior Counsel appearing on behalf of the petitioner submits that from the facts as recorded hereinabove, it would manifest that the land in question was settled in favour of Harakh Narayan Singh, the ancestor of the petitioner by a Hukumnama issued by the Tekari Raj Trust and thereafter even Jamabandi was opened. Further, Case No. 1548/1978 under Section 106 of the B.T. Act was instituted by Harakh Narayan Singh against the State of Bihar which was decided in favour of Harakh Narayan Singh. It is further submitted that an order passed under Section 106 of the B.T. Act has the same force as a decree of the learned Civil Court.

4. At this stage, learned Senior Counsel appearing on behalf of the respondent no. 5 submits that an information was sought under the Right to Information Act with regard to the Case No. 1548/1978 filed by Harakh Narayan Singh under Section 106



of the B.T. Act and the Information Officer provided information under the Right to Information Act that the said case is a forged case.

5. At this stage, learned Senior Counsel appearing on behalf of the petitioner submits that petitioner is not aware as to what information was provided by the Information Officer under the Right to Information Act to the respondent no. 5 but then the photo copy of the certified copy of the order dated 06.03.1982 in Case No. 1548/1978 has been annexed as Annexure-2 to the writ application.

6. Learned Senior Counsel for the petitioner further submits that the Circle Officer earlier vide his letter dated 08.06.2018 had informed the respondent no. 5 that the land belongs to Harakh Narayan Singh and giving no objection with respect to the land in dispute for construction of market will not be legal, but then the Circle Officer recommended for getting the Jamabandi cancelled.

7. Learned Senior Counsel for the petitioner next submits that since appeal is pending before the Collector, as such, the writ application can be disposed of with a direction to the Collector to decide the Jamabandi Cancellation Appeal No. 21/DM/2021-22 within a time frame and till the appeal is not decided the Tender No. 02/2024-25 dated 05.08.2024 (Annexure-



5) issued by the respondent no. 5 for construction of Ramashray Babu Market Complex on the land in dispute be stayed.

8. Learned counsel appearing on behalf of the State also submits that the writ application can be disposed of with a direction to the Collector, Jehanabad to decided the Jamabandi Cancellation Appeal No. 21/DM/2021-22 within a time frame.

9. After hearing the learned Senior Counsel for the parties and the learned State Counsel, the writ application is disposed of with a direction to the Collector, Jehanabad to decide Jamabandi Cancellation Appeal No. 21/DM/2021-22 within a period of four months from the date of receipt/production of a copy of this order after giving opportunity of hearing to all concerned in accordance with law.

10. It is made clear that till Jamabandi Cancellation Appeal No. 21/DM/2021-24 is not decided by the Collector, Jehanabad till then Tender No. 02/2024-25 dated 05.08.2024 (Annexure-5) issued by the respondent no. 5 shall remain stayed.

(Satyavrat Verma, J)

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