

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5933 of 2022

Prabhat Kumar Singh Son of Late Shivnarayan Singh, resident of Village-Bajrahiya, P.S.- Maharajganj, District- Siwan.

... .. Petitioner

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The District Magistrate-cum-Collector, Siwan.
3. The Additional Collector, Siwan.
4. The Deputy Collector, Land Reforms (D.C.L.R.), Maharajganj, District - Siwan.
5. The Sub-Divisional Officer, Maharajganj, District - Siwan.
6. The Circle Officer, Maharajganj, District - Siwan.

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh, Adv.
For the Respondent/s : Mr.Rishi Raj Sinha (Sc 19)

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT

Date : 04-07-2025

Heard learned counsel for the petitioner and
learned counsel for the State.

2. In the present writ petition, petitioner has
prayed for the following reliefs:-

(i) For setting aside the notice dated 24.01.2022 contained in Letter No. 94 (Annexure-6) issued under the signature of Respondent Circle Officer, Maharajganj, District-Siwan against a dead person i.e. father of petitioner Late Shivnarayan Singh, directing therein to ensure producing evidences of Jamabandi No. 279 appertaining to Khata No. 97, Survey No. 527, Rakwa (Area)- 0-4-17 katha of Mauza- Bajrahiya, Block P.S. Maharajganj, District- Siwan created in favour of father of the



petitioner namely Shivnarayan Singh within a week. The notice also containing that dispute regarding said land is pending consideration in the Court of Sub-Divisional Officer, Public Grievance Redressal, Siwan vide claim no. 516210316122104190/4191, ignoring the earlier orders passed by the competent authorities under which Jamabandi No. 279 of the land in question was created in favour of father of petitioner after adopting all the required legal process.

(ii) For commanding and directing the Respondents not to disturb the Jamabandi No. 279 created in favour of father of petitioner as well as his physical possession upon which petitioner has been residing with his family members since long; as petitioner came to know that despite submitting his reply and relevant documents in pursuant to aforesaid notice dated 24.1.2022 before the Respondent Circle Officer, Mahrajganj he recommended for cancelling the Jamabandi in question only because a complaint filed by some spurious person in the court of Sub-Divisional Officer, Public Grievance Redressal, Siwan which is not justified in the eye of law.

(iii) For staying any such proceeding initiated by the authority concerned for cancelling the Jamabandi in question of the petitioner.

(iv) And/or any other relief or reliefs for which the petitioners are found entitled, to in the facts and circumstances of this case.

3. Learned counsel for the petitioner submits that Jamabandi no. 279 was created in the name of father of the petitioner in respect of the land in question and the said land has been taken for construction of water tank without giving opportunity of hearing to the petitioner. He further submits that unless and until the legal process is taken into account,



jamabandi created in the name of father of the petitioner cannot be cancelled. He further submits that jamabandi no. 279 is still continuing in the name of father of the petitioner and the said action of the concerned authority to dispossess the petitioner from the land in question is without having sanctity of law.

4. Counter affidavit has been filed on behalf of the State. In para-3 it has been submitted that land in question bearing Khata No. 97, Survey No. 527, Area 4 Katha 17 Dhur situated at Mauza-Bajrahia, P.S. Maharajganj is recorded in khatian as Gairmajarua Aam but it has been admitted that DCLR, Maharajganj in BLDR Case No. 42/ 2015-16 directed the Circle Officer, Maharajganj to inquire into the legality of petitioner's jamabandi No. 279. Learned counsel for the State further submits that notice has been sent to the father of the petitioner.

5. Learned counsel for the petitioner submits that father of the petitioner has died and hence said notice is merely a formality.

6. Considering the facts and circumstances of the case as well as submissions of the parties, the present writ petition stands disposed of with direction that notice should be issued to the petitioner and petitioner must be given due



opportunity to raise his grievance before the appropriate authority. Unless and until proper hearing is given to the petitioner, possession of the petitioner in respect of land in question should not be disturbed.

(Alok Kumar Pandey, J)

shahzad/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	07.07.2025
Transmission Date	N.A.

