

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10768 of 2025

Runa Devi W/o Jodhan Pandit, R/o Village- Hadhhadiya P.O- Laxmipur,
Gaura, Jamui, Bihar- 811312

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Land and Revenue Department, Patna.
2. The Principal Secretary, Land and Revenue Department, Patna, Bihar.
3. The District Collector, Jamui.
4. The Additional Collector, Jamui.
5. The Circle Officer, Jamui.
6. The I.O., Laxmipur Police Station, Jamui.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar, Advocate.
For the Respondent/s : Mr. Uday Prasad, AC to GP-22

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 10-07-2025 1. Heard learned counsel for the petitioner Sri Ajit Kumar and learned AC to GP-22.

2. The learned counsel appearing on behalf of the petitioner Sri Ajit Kumar submits that the instant writ application has been filed seeking quashing of the order dated 23.11.2024 passed by the Additional Collector, Jamui in Jamabandi Cancellation Case No.136/2024, whereby Jamabandi No.601 has been cancelled, which was created 70-80 years back with respect to the land in dispute in the instant writ application. Further for a direction upon the authorities not to dispossess the petitioner from the raiyati land in garb of order dated 23.11.2024 in Jamabandi Cancellation Case No.136/2024.

3. At this stage, the learned counsel appearing on



behalf of the State submits that office has pointed out a defect that certified copy of order dated 23.11.2024 passed by the Additional Collector, Jamui in Jamabandi Cancellation Case No.136/2024 has not been brought on record rather photo copy of the said order has been impugned in the instant writ application, on which, the learned counsel appearing on behalf of the petitioner submits that since the certified copy of the order impugned was not provided, as such the petitioner had to rush to this court but then it is submitted that subsequently the certified copy of order dated 23.11.2024 in Jamabandi Cancellation Case No.136/2024 was provided to the petitioner, as such petitioner filed Jamabandi Cancellation Appeal No.36/2024 before the Collector, Jamui against the order dated 23.11.2024 in Jamabandi Cancellation Case No.136/2024 passed by the Additional Collector, Jamui.

4. The learned counsel for the petitioner next submits that this Court in C.W.J.C. No.16494/2018 (Ramowtar Lakhotia vs. The State of Bihar & Others) has held-*Section 9(1) of the Bihar Land Mutation Act, 2011 to the extent it confers power upon the Additional Collector “to dispossess the person whose Jamabandi has been cancelled and to put in possession the legitimate owner/custodian on such land on such terms as may*



appear to the Additional Collector to be fair and equitable” and Rules 13(11) and 13(12) of the Bihar Land Mutation Rules, 2012 for being ultra vires Article 300A of the Constitution of India, apart from being beyond the scope & ambit of Entry 45 of List II of Schedule VII. It is thus submitted that the authorities cannot dispossess the petitioner from the land even if Jamabandi stands cancelled as Section 9(1) of the Bihar Land Mutation Act, 2011 has been held ultra vires Article 300A of the Constitution of India.

5. The learned State counsel submits that since the appeal of the petitioner is pending before the Collector, all these issues can be raised before the Collector, on which, the learned counsel appearing on behalf of the petitioner seeks permission to withdraw the writ application with liberty to pursue Jamabandi Cancellation Appeal No. 36/2024, which is pending adjudication before the Collector, Jamui.

6. Permission is accorded.

7. The defects pointed out by the office is ignored.

(Satyavrat Verma, J)

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