

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11831 of 2021

Sanjay Kumar Singh Son of Sri Bhagwan Singh Resident of Village-Bhadsari,
P.S.-Bagen Gola, District-Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reform, Department, Government of Bihar, Patna.
2. The District Magistrate, Buxar.
3. The D.C.L.R. Dumraon, Buxar.
4. The Circle Officer, Brahampur, Buxar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Dharendra Singh, Advocate
For the Respondent/s : Mr. Navnit Kumar, AC to GP-18

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 25-11-2025 At the outset, petitioner's counsel is directed to make necessary correction in paragraph no. 1 of the writ petition with regard to the location of the land in question, in course of the day.

2. The instant writ petition has been filed by the petitioner under Article 226 of the Constitution of India, seeking the following relief(s):-

“ I. To issue a writ in the nature of mandamus or any other appropriate writ/writs, order/orders, direction/directions, commanding the respondents not disturb the actual Jamabandi no 4. Volume-3 page No. 281 of the land bearing Mauza Bhadsari. Thana No. 281, Khata No. 268/422, Khesra No. 1637,1638, 1647, total area 2.79 decimal situated



Dist Buxar PS. Brahampur, Because the is the raiyati Land of the Petition.

II. ASK Show cause cum explanation to the Res No.4, under which circumstances Jamadandi was locked of the land II. vide Thana No. 281, Khata No.268/422, Khesra No.1637, which 1638. 1647 total area 2.79 decimal(which is exclusively raiyati land of the petitioner. No notice or show cause was issued to the petitioner and no report of Karmchari was shown to the petitioner.

III. To direct the respondent No. 4 to measure the said land by which petitioner filed an application or 13.10.2020 but intentionally it was not done by Respondent No. 4.

IV. Any other relief or reliefs is your Lordship may been fit and proper to which petitioner is entitled for.”

3. Mr. Dhirendra Singh, learned counsel for the petitioner and Mr. Navnit Kumar, learned AC to GP-18 for the State-respondents are present and they are heard.

4. Petitioner's counsel submits that the land in question was settled by the then ex-landlord in favour of the petitioner's ancestor, and the land pertains to Khata No. 268/422, Khesra No. 1637, 1638 and 1647, having a total area of 2.79 decimals, situated at Mauza-Bhadsari in Buxar District. After the settlement, the petitioner's ancestor had been in peaceful possession of the land in question, and thereafter the petitioner and his family members continued to keep their



possession over the said land. During the Revisional Survey, a Raiyat Parcha was also prepared in the name of the petitioner's ancestor, but due to the collusion of others with the Survey Amins, the land was wrongly recorded in the name of the State of Bihar. Consequently, a Title Suit bearing No. 139 of 1967 was filed by the petitioner's ancestor in the Court of the 1st Munsif, Buxar, which was decided in favour of the petitioner vide judgment and decree dated 22.01.1979, and that judgment and decree have attained finality. It is further submitted that the petitioner's ancestor filed an application for mutation vide Mutation Case No. 342 of 1992-93 before the Circle Officer, Brahampur, which was allowed on 27.06.1995, and accordingly rent receipts were issued in favour of the petitioner's ancestor of which copies have been filed with this petition, and rent was paid till the year 2020-21. It is further submitted that suddenly the Circle Officer, Brahampur (Respondent No. 4), has locked petitioner's Jamabandi bearing Jamabandi No. 4, Volume-3, Page No. 479, Thana No. 281 without giving any reason and without any authority.

5. On the other hand, Mr. Navnit Kumar, learned counsel appearing for the State-respondents, submits that the petitioner's Jamabandi has been locked in light of the



recommendation for cancellation of the Jamabandi made by the Circle Officer, Brahampur (Respondent No. 4), and in this regard, Annexure-D filed with the counter-affidavit is relevant.

6. Heard both the sides and perused the relevant materials. During the course of argument, learned counsel appearing for the State-respondents has not been able to refute the factum of the finality of the judgment and decree dated 22.01.1979 passed in the Title Suit No. 139 of 1967 filed by the petitioner's ancestor, in which the petitioner's title and possession were declared in respect of the land in question and the relevant provision under which the petitioner's Jamabandi has been locked cannot be shown by the State-respondents' counsel, rather, he fairly accepts that there is no provision for locking the Jamabandi under the Revenue Laws.

7. Considering this aspect, this Court finds substance in the grievance raised by the petitioner in this writ petition, particularly with regard to the illegal locking of the petitioner's Jamabandi. Hence, Respondent No. 4, Circle Officer, Brahampur, is directed to unlock the petitioner's Jamabandi bearing Jamabandi No. 4 at Volume-3, Page No. 479, within three weeks from the date of receipt or production of a copy of this order.



8. It is clarified that the State-respondents’ right to challenge the petitioner’s Jamabandi by adopting legal recourse, settled by this Court in various judgments, will not be affected by this order.

9. Accordingly, with the above direction, the instant writ petition stands disposed of.

(Shailendra Singh, J)

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