

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8318 of 2024

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1. Tribhuvan Rai S/o Late Mahendra Rai, Resident of Khedalpura, P.O- Bihta, P.S- Bihta, District- Patna, PIN Code- 801103.
 2. Hardev Rai s/o Late Aklu Rai, Resident of village- Kishunpur, Bihta, P.O- Bihta, P.S- Bihta, District- Patna, PIN Code- 801103.

... .. Petitioner/s

Versus

1. The State of Bihar through Principle Secretary Revenue and Land Reforms Department Govt. of Bihar, Patna.
2. The Principle Secretary Revenue and Land Reforms Department Govt. of Bihar, Patna.
3. The District Magistrate-Cum-Collector, Patna.
4. The Additional Collector, Patna.
5. The Deputy Collector, Land Reforms, Patna Sadar.
6. The Circle Officer, Bihta, Patna.
7. The Secretary, Department of Industry Govt. of Bihar, Patna.
8. The Managing Director, Bihar Industrial Area Development Authority (BIADA), Bihar, Patna.
9. The Executive Director, Bihar Industrial Area Development Authority (BIADA), Patna.
10. The Development Officer, Bihar Industrial Area Development Authority (BIADA), Patna.
11. The Managing Director, Bihar State Sugar Mill Corporation, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ranjan Kumar Dubey, Advocate Mr. Kumar Gaurav, Advocate
For the Respondent/s	:	Mr. Dhurendra Kumar, AC to GP-5
For BIADA	:	Mr. Bindhyachal Singh, Sr. Advocate Mr. Prashant Pratap, Advocate Mr. Shadwal Harsh, Advocate
For BSSC	:	Mr. Gyan Shankar, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 06-02-2025 1. Heard learned counsel for the petitioners, learned
Senior counsel for the BIADA, Mr. Bindhyachal Singh, learned



AC to GP-5 and learned counsel appearing on behalf of the Bihar State Sugar Mill Corporation.

2. The learned counsel for the petitioners submits that the instant writ application has been filed by the petitioners for a direction upon the authorities not to disturb the peaceful possession of the petitioners over the land in dispute in the instant writ application.

3. The learned counsel for the petitioners next submits that earlier the petitioners had moved this Court by filing CWJC No. 7300 of 2023 seeking somewhat similar relief as prayed in the instant writ application, but with a separate prayer also that the notice issued by the ADM, Patna for cancelling the *Jamabandis* standing in name of the petitioners was not in accordance with the mandate of Section 9 of the Mutation Act. The learned counsel, thus, submits that CWJC No. 7300 of 2023 was filed for a direction upon the authorities restraining them from dispossessing the petitioners from their land and also to quash the notice issued by the ADM for cancelling the *Jamabandis* standing in the name of the petitioners as the same was in breach of Section 9 of the Mutation Act. It is submitted that CWJC No. 7300 of 2023 was allowed by an order dated 18.03.2024 and the notice dated 28.03.2023 issued by the



Additional Collector, Patna in *Jamabandi* Cancellation Case No. 44 of 2022-2023 was set aside on the ground that the same was issued in complete breach of the provision of Section 9 of the Mutation Act, further the authorities were given liberty to proceed afresh in accordance with law.

4. The learned counsel for the petitioners submits that the Additional Collector ought to have issued fresh notice in accordance with law with regard to cancellation of *Jamabandis* standing in the name of the petitioners in compliance of the order dated 18.03.2024 in CWJC No. 7300 of 2023, but then the same was not done and the BIADA, taking advantage of the said situation, again started disturbing the possession of the petitioners over the land in dispute in the instant writ application by bringing construction materials on the land and they even proceeded with the construction, as such, the petitioners had no option but to approach this Court by filing the instant writ application seeking a direction upon the authorities not to disturb their peaceful possession except in accordance with law.

5. The learned counsel appearing on behalf of the petitioners fairly submits that the petitioners could have filed a contempt application alleging willful violation of the order dated 18.03.2024 in CWJC No. 7300 of 2023 on the ground that



the authorities, instead of issuing fresh notice regarding cancellation of *Jamabandi* in accordance with law, are coming on the land of the petitioners disturbing their possession, but then it is submitted that contempt application remains pending and by the time, the contempt applications are taken up, it becomes late and the authorities succeed in their endeavours. The learned counsel next submits that an I.A. No. 01 of 2025 has been filed in the instant writ application bringing on record the notice dated 04.10.2024 issued by the Additional Collector, Patna in *Jamabandi* Cancellation Case No. 44 of 2024-2025, it is submitted that from bare perusal of the notice dated 04.10.2024 (Annexure P/17), it would manifest that the same again has been issued in complete breach of the provisions of Section 9 of the Mutation Act and thus, becomes vulnerable and gives an additional ground to the petitioners to file contempt of the order dated 18.03.2024 in CWJC No. 7300 of 2023 that the Additional Collector has violated the orders of this Court with impunity by issuing the aforesaid notice which does not contain the essential details as mandated by Section 9 of the Mutation Act, but then it is again reiterated and submitted that by the time contempt applications are taken up, the authorities succeed in their endeavours.



6. The learned counsel appearing on behalf of the State submits that since a show cause has been issued to the petitioners by the Additional Collector in *Jamabandi* Cancellation Case No. 44 of 2024-2025 (at this stage, it is submitted by the learned counsel for the petitioners that earlier the *Jamabandi* Cancellation Case No. was 44 of 2022-2023, the case number has remained the same, but the year has changed), the petitioners can raise the issue before the Additional Collector for his consideration, on which the learned counsel appearing on behalf of the petitioners submits that the said issue will be raised before the Additional Collector, Patna that his notice dated 04.10.2024 is in complete breach of the order dated 18.03.2024 in CWJC No. 7300 of 2023, as the same has not been issued in terms of the mandate of Section 9 of the Mutation Act.

7. At this stage, the learned Senior counsel appearing on behalf of the BIADA submits that BIADA will not proceed with construction over the land in dispute in the instant writ application until and unless the *Jamabandi* Cancellation Case No. 44 of 2024-2025 is not decided in accordance with law.

8. At this stage, the learned counsel appearing on behalf of the petitioners seeks permission to withdraw the writ



application in view of the submission made by the learned Senior counsel appearing for BIADA, as recorded at Para 7, with liberty to contest the notice dated 04.10.2024 issued by the Additional Collector, Patna in *Jamabandi* Cancellation Case No. 44 of 2024-2025.

9. Permission is accorded.

10. Accordingly, the instant writ application is dismissed as withdrawn with the liberty aforesaid.

(Satyavrat Verma, J)

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