

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11006 of 2025

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Arjun Singh S/o- Late Ramchandra Singh @ Ram Chandar Singh, Resident of village- Sabajpura, P.O.- Khagaul, P.S.- Phulwarisharif, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Additional Chief Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
3. The District Magistrate-cum-Collector, Patna.
4. The Additional Collector, Patna.
5. The Circle Officer, Circle Office- Danapur, District- Patna.
6. Rinku Devi, W/o- Late Pramod Singh, Resident of village- Sabajpur, P.S.- Khagaul, P.S.- Danapur, District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Jitendra Kumar, Adv. Ms. Chetna, Adv.
For the Respondent/s	:	Mr. Sita Ram Yadav, GP-16 Mr. Rakesh Kr. Srivastava, AC to GP-16

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 29-07-2025 1. Heard learned counsel for the petitioner and learned AC to GP-16 for the State.

2. The learned counsel appearing on behalf of the petitioner submits that the instant writ application has been filed seeking quashing of the Notice dated 24.06.2025 passed by the Circle Officer, Danapur, Patna (respondent no. 5) whereby a direction has been issued to the petitioner to remove the encroachment over government land pertaining to Mauza-



Sabajpura, Thana No. 53, Khata No. 72, Khesra No. 249, Area 1 decimal.

3. The learned counsel appearing on behalf of the petitioner submits that on a wrong premise that the land in dispute is government land, the order has been passed by the Circle Officer holding that petitioner is an encroacher when Jamabandi No. 614 was running in the name of the petitioner with respect to the land in dispute in the instant writ application.

4. The learned counsel appearing on behalf of the State draws the attention of the Court to Annexure- P/5 to the writ application to submit that petitioner had earlier moved before this Court by filing CWJC No. 4504 of 2025 with a prayer for setting aside the order dated 25.11.2024 passed by the Additional Collector, Patna in Jamabandi Cancellation Case No. 197 of 2022-2023 and Jamabandi Cancellation Case No. 280 of 2022-2023 whereby the Jamabandi No. 614 standing in the name of the petitioner was cancelled and the Circle Officer, Danapur was directed to remove the encroachment as per Bihar Public Land Encroachment Act, 1956, as such, it is submitted that Jamabandi No. 614 standing in the name of the petitioner stands cancelled by the Additional Collector, Patna, as such, the petitioner cannot claim that the land is raiyati land, on which the



learned counsel appearing on behalf of the petitioner submits that the Additional Collector, Patna without appreciating the facts of the case in its correct perspective had cancelled the Jamabandi No. 614 standing in the name of the petitioner against which the petitioner has filed Jamabandi Cancellation Appeal No. 14 of 2025-2026 in the Court of Collector, Patna.

5. The learned counsel appearing on behalf of the petitioner next submits that what is not in dispute rather stands admitted is that Jamabandi No. 614 was created in the name of the petitioner. It is next submitted that earlier Jamabandi No. 92 was standing in the name of the ancestor of the petitioner with respect to the land in dispute and from Jamabandi No. 92, Jamabandi No. 614 was created, which was cancelled by the Additional Collector, Patna. It is next submitted that recently this Court in CWJC No. 16494 of 2018 (Ramowtar Lakhotia Vs. The State of Bihar & Ors.) has struck down Section 9(1) of the Bihar Land Mutation Act, 2011 to the extent it gives power to 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, it is thus submitted that when Section 9(1) of the Bihar Land



Mutation Act, 2011 has been struck down by this Court with regard to the dispossession of the person in occupation of the land after cancellation of Jamabandi whether the petitioner can be dispossessed from the land merely because his Jamabandi has been cancelled, on which the learned counsel appearing on behalf of the State submits that all issues can be decided by the Collector, Patna in Jamabandi Cancellation Appeal No. 14 of 2025-2026.

6. The learned State counsel submits that the writ application can be disposed of with a direction to the Collector, Patna to dispose of Jamabandi Cancellation Appeal No. 14 of 2025-2026 within a time frame.

7. After hearing the learned counsel for the parties and without going into the merits of the case, **the writ application is disposed of** with a direction to the Collector, Patna to dispose of Jamabandi Cancellation Appeal No. 14 of 2025-2026 within a period of four months from the date of receipt/production of a copy of this order in accordance with law, after giving proper opportunity of hearing to all concerned including the petitioner.

8. It is made clear that till disposal of Jamabandi Cancellation Appeal No. 14 of 2025-2026, **the Notice dated**



24.06.2025 shall be kept *in abeyance*.

(Satyavrat Verma, J)

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