

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14224 of 2025

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Shambhu Sah Gond @Shambhu Sah S/O Late Dahari Sah @Dahari Gond,
Resident of Village Amwa Nakchhed, P.S.-Gopalganj, Dist.- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through The Principal Secretary Department of Revenue and Land Reform, Govt. of Bihar, Patna.
2. The Divisional Commissioner Saran Division, Chapra.
3. The Collector cum District Magistrate, Gopalganj, District Gopalganj.
4. The Additional Collector Gopalganj, District - Gopalganj.
5. The Deputy Collector (Land Reform), Gopalganj, District Gopalganj.
6. The Circle Officer Sadar, Gopalganj, District - Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Uday Pratap Singh, Adv.
For the Respondent/s : Mrs.Binita Singh, SC (28)

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 09-09-2025 Heard Mr. Uday Pratap Singh, learned counsel for

the petitioner and Mrs. Binita Singh, learned SC 28 for the

State.

2. The instant writ petition has been preferred under

Article 226 of the Constitution of India by the petitioner seeking

following reliefs:-

*“A. A writ in the nature of certiorari, or any other
appropriate writ, for quashing the 2024 order dated 04.01.2024
passed by the Additional Collector, Gopalganj (Respondent No.
4) in Jamabandi Cancellation Case No. 263/2023-24, whereby
Jamabandi No. 488, created in the name of the petitioner's
father for land admeasuring 70 decimals under Khata No. 177,
Khesra No. 859, situated in Revenue Village Amwa Nakchhed,*



Gopalganj Sadar Circle, District Gopalganj, has been cancelled.

B. A writ in the nature of Mandamus or any other appropriate writ directing the respondents for the followings:

i. To direct the Respondent No. 6, the Circle Officer, Sadar, Gopalganj, to not to remove the structure being used by the petitioner's family as their residence over the land bearing Khesra No. 859, Khata No. 177, situated at Village Amwa Nakhhed, Sadar Circle, District Gopalganj.

ii. To hold that a long-standing Jamabandi cannot be cancelled through summary proceedings.

iii. To hold that the petitioner and his family are landless persons and are covered under the Bihar Privileged Persons Homestead Tenancy Act.

C. For any other relief/reliefs to which the petitioner is entitled for”.

3. Learned counsel for the petitioner submits that the land in question was settled in favour of the petitioner's father, Late Dahari Sah @ Dahari Gond in the year 1962 by Bihar Bhudan Yagna Committee and since then the petitioner's family has been coming in exclusive possession over the said land. It is further submitted that in respect of the said land the Circle Officer, Sadar, Gopalganj fixed rent and thereafter rent receipts were also issued in favour of petitioner's father and a Jamabandi was also created in his name, who passed away on 22.02.2002.

4. The main contention raised by the petitioner to assail the order impugned is that the same has been passed against a dead person and mainly on that score the order is liable



to be set aside.

5. In support of the said submission, learned counsel for the petitioner has placed reliance upon a judgement of this court passed in the case of **Maheshwar Prasad Singh v. the State of Bihar & Others**, reported in **2017 (1) PLJR 26**. He has referred paragraph 7 of the judgement which reads thus:-

“7. In above view of the matter, it is apparent that the impugned revisional order has been passed against a dead person and on that ground alone, this court is inclined to set aside the impugned revisional order.”

6. Heard both the sides. Though, the aforesaid submissions are relevant for the petitioner's case, however, petitioner has efficacious remedy to challenge the order impugned by way of appeal and revision. This court is not persuaded to invoke the writ jurisdiction of this court for redressal of the petitioner's grievance, so, considering this aspect, the instant writ petition stands disposed of with giving a liberty to the petitioner to file an appeal under the Bihar Land Mutation Act, 2011 in the next four weeks from today. If he avails this liberty in the said prescribed period then the concerned Collector shall decide his appeal as per the provision of law according to merit without being prejudiced with this order but shall not dismiss the petitioner's appeal solely on the



ground of limitation.

7. The concerned Collector shall ensure that during the pendency of the appeal, which is to be filed by the petitioner, no coercive action affecting the petitioner’s so claimed right in the land in question shall be taken.

(Shailendra Singh, J)

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