

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14643 of 2025

1. Anil Kumar Singh Son of Late Tilo Singh @ Tilak Dhari Singh, Resident of Ward no 6, Village Orra Bagicha, PS Dharhara, Distt Munger (Bihar).
2. Ghanshyam Singh, Son of Late Tilo Singh @ Tilak Dhari Singh, Resident of Ward no 6, Village Orra Bagicha, PS Dharhara, Distt Munger (Bihar).
3. Ashok Kumar Singh, Son of Late Tilo Singh @ Tilak Dhari Singh, Resident of Ward no 6, Village Orra Bagicha, PS Dharhara, Distt Munger (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector of the District, Munger.
2. The Collector of the District, Munger.
3. The Additional Collector, Munger.
4. The Anchal Aadhikari, Dharhara, Munger.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Shashi Nath Jha, Advocate
For the Respondent/s	:	Mr. Prabhakar Jha, G.P.-27 Mr. Mukund Mohan Jha, AC to G.P-27

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 16-09-2025 The instant writ application has been filed by the petitioners under Article 226 of the Constitution of India seeking the following reliefs:-

“ (i) *Quashing/Setting aside the order dt. 16.07.2025 (Annx-P/11) passed by the learned Addl. Collector, Munger in Jamabandi Cancellation Case No. 11 of 2023-24 (State V/S Tilo Singh, Ghanshyam Singh & others) whereby whereunder the Jamabandi No.- 174 and jamabandi Page no.-54, 55 & 56 of Bhag Sankhya no.-11 (Division no. 11) have been cancelled under section 9 of the Bihar Land Mutation Act, 2011.*

(ii) *Holding and declaring that learned Addl. Collector (Resp. no.-3) had no jurisdiction to*



cancel the long standing Jamabandi No. 174 and other related Jamabandi Page no.-54, 55 & 56 of Bhag Sankhya -11 (Division no.-11) relating to the petitioners' land

(iii) Holding and declaring that the issuance of impugned Notice dt. 17.07.2023 (Annx-P/7) issued by the Addl. Collector in Jamabandi Cancellation Case No.-11 of 2023-24 itself was illegal, without jurisdiction and contrary to the laws laid down by this Hon'ble court.

(iv) Holding and declaring that the petitioners and prior to them their predecessors- in interest were the valid title holders and they had continuous possession and valid rights and interest over the lands in question by virtue of settlement & the sale deeds and hence the whole actions taken against them by cancelling their Jamabandi are arbitrary and non-est in the eyes of law.

(v) Restoring the Jamabandi no. 174 and Jamabandi Page No. 54, 55 & 56 of Bhag Sankhya-11 (Division No.-11) which were running in the name of the petitioners.

(vi) Restraining the Respondents authorities from interfering into peaceful possession of the petitioners over the lands in question.

(vii) Granting any other relief/reliefs for which the petitioners may be found entitled to."

2. Mr. Shashi Nath Jha, learned counsel appearing for the petitioners submits that the land in question belonged to the erstwhile Zamindar of Banaili Raj in Bhagalpur District and subsequently, the land was settled in favour of one, Bisho Singh,



by the then Zamindar much prior to the abolition of Zamindari System. Subsequently, the land in question measuring 62.5 Decimal came in possession of one Chotan Singh who was the own brother of settlee Bisho Singh and thereafter, the said Chotan Singh transferred the said land measuring 62.5 Decimal through registered sale deed dated 15.10.1963 in favour of one Tilo Singh @ Tilakdhari Singh, the father of the present petitioners. After that, settlee Bisho Singh also transferred 01 Acre 24 Decimal land vide registered sale deed dated 23.07.1970 in favour of petitioners' father and accordingly, petitioners' father came in possession over the land measuring total area of approx 01 Acre 87.5 Decimal relating to Khata No. 47 and Plot No. 40 and consequently, the Jamabandi No. 174 was created in favour of petitioners' father and after the death of petitioners' father, four separate Jamabandis were created in favour of the petitioners and one Gopal Singh. It is further submitted that since the time of purchase and creation of Jamabandi in favour of petitioners' father and thereafter, in favour of the petitioners, the rent receipts of the lands in question had been issuing in favour of the petitioners and the relevant entries in Register-II are also in favour of the petitioners' father but suddenly in February, 2023, the concerned



Circle Officer vide his order dated 13.03.2023 passed in the Case No. 04 of 2022-23, recommended the petitioners' Jamabandis for cancellation to the Additional Collector but all these relevant and important documents clearly showing the petitioners' title and possession over the land in question were not considered by him as well as the Additional Collector, Munger while cancelling the long standing Jamabandis in favour of the petitioners and in this regard, order impugned itself may be perused.

3. In the light of the aforesaid submissions, this Court peruses the order impugned which was passed by the Additional Collector and finds substance particular in the aforesaid submission as to the petitioners' aforesaid documents having not been considered by the Additional Collector and it appears that the order impugned was passed in haste manner violating petitioners' right of fair hearing.

4. Accordingly, the order impugned dated 16.07.2025 is hereby set aside and the instant matter is remitted back to the Additional Collector, Munger (Respondent No. 3) for passing a fresh order according to merit without being prejudiced with this order and petitioners must be given reasonable opportunity of hearing and adducing their evidences and thereafter, the



Additional Collector shall pass a reasoned order after appreciating the evidences of both the sides.

5. With the above direction, the instant writ petition stands disposed of.

(Shailendra Singh, J)

maynaz/-

U			
---	--	--	--

A F R

