

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15858 of 2024

1. Uga Devi @ Uga Kuer W/o Late Muni Ram Singh Resident of Village-Shankarpur, P.O.- Shankarpur P.S.-Indrapuri (Dehri), District-Rohtas.
2. Rajani Singh @ Anjani Kumar Son of Late Muni Ram Singh Resident of Village-Shankarpur, P.O.- Shankarpur P.S.-Indrapuri (Dehri), District-Rohtas.
3. Chhathu Singh @ Durga Prasad Singh Son of Late Muni Ram Singh Resident of Village-Shankarpur, P.O.- Shankarpur P.S.-Indrapuri (Dehri), District-Rohtas.
4. Tapan Singh @ Sanjay Kumar Singh Son of Late Muni Ram Singh Resident of Village-Shankarpur, P.O.- Shankarpur P.S.-Indrapuri (Dehri), District-Rohtas.
5. Pankaj Singh @ Prabhu Nath Singh Son of Late Muni Ram Singh Resident of Village-Shankarpur, P.O.- Shankarpur P.S.-Indrapuri (Dehri), District-Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through its Additional Chief Secretary, Revenue and Land Reforms Department, Govt. of Bihar.
2. The Collector, District-Rohtas at Sasaram.
3. The Additional Collector, District-Rohtas at Sasaram.
4. The Deputy Collector Land Reforms, Dehri, District-Rohtas at Sasaram.
5. The Circle Officer, Anchal-Dehri, Sub Division Dehri, District-Rohtas at Sasaram.
6. Surya Nath Pandey Son of Late Raghubansh Pandey Resident of Village-Badihan, P.O.-Shankarpur, P.S.-Indrapuri (Dehri), District-Rohtas at Sasaram.
7. Darshan Kumar S/o Late Jayram Chaudhary Resident of Village/Mohalla Gandhi Nagar, Dehri, Ward No. 02, P.O. and P.S.-Dehri, District-Rohtas at Sasaram.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ramchandra Singh
For the Respondent/s : AC to SC-16

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 27-01-2025 1. Heard learned counsel for the petitioners and
learned AC to SC-16.



2. The learned counsel appearing on behalf of the State, at the outset, submits that the instant writ application has been filed for quashing the order dated 02.09.2024 passed by the Additional Collector, Rohtas (Sasaram) in *Jamabandi* Cancellation Case No. 07 of 2024 whereby the Additional Collector-cum-Additional District Magistrate, Rohtas (Sasaram) has allowed *Jamabandi* Cancellation Case No. 07 of 2024 and cancelled the *Jamabandi* no. 54/1 and *Jamabandi* No. 98/5 standing in the name of the Muni Ram Singh and Durshan Kumar in Register-II and has upheld *Jamabandi* No. 46/4 standing in the name of father of respondent no. 6.

3. The learned State counsel next submits that petitioners have rushed to this Court without availing their alternative remedy of appeal, on which the learned counsel appearing on behalf of the petitioners submits that petitioners had to rush to this Court because the order cancelling the *Jamabandi* was passed in complete breach of the principles of natural justice, on which the learned State counsel submits that if the order was passed in breach of principles of natural justice, the petitioners could have taken the said ground in appeal also, but whether the principles of natural justice was breached or not i.e an issue to be decided, on which the learned counsel



appearing on behalf of the petitioners submits that petitioners had to rush to this Court as the authorities after cancellation of *Jamabandi*, were pressurizing the petitioners to hand over possession of the land in favour of private respondent no. 6, it is further submitted that even if *Jamabandi* with respect to the land in dispute stands cancelled that does not give any authority/power to the authorities to dispossess the petitioners from the land as dispossession has to be made in accordance with law i.e. by resorting to eviction proceeding. It is next submitted that petitioners as of date are in possession of the land.

4. The learned State counsel reiterates and submits that petitioners have rushed to this Court without availing their alternative remedy, on which the learned counsel for the petitioners submits that if petitioners will file appeal against the order cancelling the *Jamabandi*, in that event the authorities may dispossess them during pendency of the appeal.

5. The Court, after hearing the learned counsel for the parties, disposes of the writ application with a direction to the petitioners to move before the authority competent in accordance with law against the order impugned in the instant writ application.



6. It is made clear that if any issue of limitation arises, the authority competent shall keep in mind that petitioners were pursuing their remedy before this Court.

7. It is also made clear that if any appeal is filed against the order impugned in the instant writ application on or before 05.02.2025 in that even the status quo, as existing as of date, shall be maintained till the appeal is not heard by the authority competent (Collector) on the first day.

8. It is further made clear that thereafter it will be the discretion of the Collector to grant status quo or not to the petitioners during pendency of appeal.

(Satyavrat Verma, J)

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