

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.899 of 2023

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Anil Kumar Gupta son of Late Anandi Prasad, resident of Purana Thanna Road, Village- Bihta, P.S. and P.O.- Bihta, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The Collector, Patna.
3. The Additional Collector, Patna.
4. The Deputy Collector Land Reforms, Danapur, Patna.
5. The Circle Officer, Bihta, Patna.
6. Md. Jasimuddin, Son of Late Kasim Ansari, Resident of Azmeri Nagar, Village- Bihta, Police Station- Bihta, District- Patna.
7. Md. Iashmul Haque, Son of Late Aale Nabi Ansari, Resident of Azmeri Nagar, Village- Bihta, Police Station- Bihta, District- Patna.
8. Md. Anshar Ahmad Ansari, Son of Late Aale Nabi Ansari, Resident of Azmeri Nagar, Village- Bihta, Police Station- Bihta, District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. J.S. Arora, Sr. Advocate
		Mr. Manoj Kumar
For the Respondent/s	:	Mr. Raj Kishore Roy, GP-18

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 10-02-2025 1. Heard learned Senior counsel for the petitioner, Mr. J.S. Arora, learned GP-18, Mr. Raj Kishore Roy and the learned counsel appearing on behalf of the private respondents.

2. The learned Senior counsel for the petitioner submits that the instant writ application has been filed for a direction upon the Circle Officer, Bihta to cancel the parallel/fictitious *Jamabandi* No. 7/1 in Mutation Case No. 12828 of 2022-23 and *Jamabandi* No. 6/1 in Mutation Case No.



12830 of 2022-23 dated 16.11.2022 created online on the basis of an application filed by the private respondents with regard to land of the petitioner appertaining to Khata No. 183 area 3 acre 96 decimal and Khata No. 180, area 1 acre 4 decimal which have been created fraudulently and in consequence thereof rent receipts have also been issued with respect to petitioner's property without any notice to the petitioner and that too in the name of dead person by the office of Circle Officer, Bihta in connivance and collusion with the officials of the circle office, Bihta.

3. The learned GP-18, at this stage, submits that petitioner has rushed to this Court without availing his alternative remedy in terms of Section 9 of the Mutation Act. It is next submitted that from bare perusal of the prayer made in the instant writ application, it would manifest that a direction is being sought upon the Circle Officer, Bihta to cancel the parallel/fictitious *Jamabandi* Nos. 7/1 and 6/1. It is next submitted that even if the *Jamabandis* have been created illegally, the Circle Officer does not have the power to cancel the same, but then it is the Additional Collector, who in terms of Section 9 of the Mutation Act, has the jurisdiction and the competence to cancel any *Jamabandi* if created not in



accordance with law.

4. The learned State counsel further submits that a counter affidavit has been filed on behalf of the respondent nos. 2 to 5 wherein it has been specifically pleaded that the Circle Officer, Bihta has already recommended the Additional Collector, Patna for cancelling the aforesaid *Jamabandis*, on which the learned Senior counsel for the petitioner submits that from perusal of Para-8 of the counter affidavit, it would manifest that a specific plea has been made- *“That in view of the complaint filed by Sri Anil Kumar Gupta, the Circle Officer, Bihta has done spot inspection of the land in question and verified from the records”* further at Para-9 it has been pleaded- *“That the basis of creation of Jamabandi No. 6/1 in the name of Wazir Miya and Kadir Miya with regard to Khata No. 180, Area-1.04 acre and Jamabandi No. 7/1 in the name of Hemtan, S/o Madari Miya for Khata No. 183, area-3.96 acre has been mentioned that Jamabandi shown has been torn and come from the earlier Jamabandi. It was verified from the scan register and from original Register-II and found that the Jamabandi No. 6/1 and 7/1 is not mentioned. Thus it is clear that the Revenue Karmachari has illegally created the said Jamabandis”* and at Para-10 it has been pleaded- *“That accordingly, the Circle*



Officer, Bihta has made recommendation dated 14.12.2022 for cancellation of both the Jamabandies No. 6/1 and 7/1 and sent proposal vide Jamabandi Cancellation Case No. 4 of 2022-23 for cancelling parallel Jamabandi of the land in question.”

5. The learned Senior counsel for the petitioner, thus, submits that since a specific plea has been taken in the counter affidavit that the aforesaid *Jamabandis* were created fraudulently for which the Circle Officer, Bihta has already recommended the Additional Collector, Patna for cancelling the *Jamabandis*, but then till date no *Jamabandi* cancellation case has been instituted in the Court of Additional Collector though the recommendation of the Circle Officer, Bihta is of the year 2022, on which the learned counsel appearing on behalf of the State submits that he will specifically instruct the Additional Collector, Patna to institute a case for cancelling the aforesaid *Jamabandis* based on recommendation of the Circle Officer, Bihta.

6. At this stage, the learned counsel appearing on behalf of the private respondents submits that he would be satisfied in the event if the writ application is disposed of with a direction to the Additional Collector, Patna to institute *Jamabandi* cancellation case for cancelling the aforesaid



Jamabandis, but then an opportunity of hearing be also given to the private respondents before taking any final decision.

7. After hearing the learned counsel for the parties, the writ application is disposed of with a direction to the Additional Collector, Patna to institute a *Jamabandi* cancellation case in view of the recommendation made by the Circle Officer, Bihta dated 14.12.2022 and 15.02.2023 and dispose of the same expeditiously in accordance with law, within a period of four months from the date of receipt/production of a copy of this order.

(Satyavrat Verma, J)

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