

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18675 of 2025

1. Manohar Prasad Mandal Son of Vidya Mandal, Resident of D-618, Dakshini Puri, P.O. and P.S- Dr. Ambedkar Nagar, District- South Delhi, Delhi-110062 and permanent resident of Village- Indrasaina, P.O. and P.S.- Amarpur, District- Banka.
2. Kaushal Kishore @ Kaushal Kishore Manjhi, Son of Tisu Mandal, Resident of House No. D-618, Dakshini Puri, P.O. and P.S.- Dr. Ambedkar Nagar, District- South Delhi, Delhi- 110062 and permanent resident of Village- Indrasaina, P.O. and P.S- Amarpur, District- Banka.
3. Manikant Mandal @ Mantun Mandal, Son of Futo Mandal, Resident of Village- Indrasaina, P.O.- Jethaur, P.S- Amarpur, District- Banka.
4. Dhananjay Prasad, Son of Uday Kapri, Resident of House No. 68A, Gali No.8, Block No. B-2, Near Humpy Model School, Shitla Colony, Gurgaon, Haryana- 122001. Permanent resident of Village- Ballikinta, P.O. and P.S.- Amarpur, District- Banka.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Land Reforms and Revenue Department, Govt. of Bihar, Patna.
2. The District Magistrate-cum-Registrar, Registration Office, Banka.
3. The Additional District Magistrate, Banka.
4. The Sub Divisional Officer, Banka.
5. The Circle Officer, Banka.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rakesh Kumar Sharma, Adv. Mr. Alok Anand, Adv.
For the State-resps.	:	Mr. Sajid Salim Khan, SC-25

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 24-11-2025 The instant writ petition has been filed by the

petitioners under Article 226 of the Constitution of India

seeking the following reliefs :-

*“(i) For issuance of writ in the nature of
Certiorari to quash the notice dated 12.04.2025
issued against the petitioners and others in*



Jamabandi Cancellation Case No. 1/2025-26 which was initiated without proper verification and without proper opportunity given to the petitioners and it is also in the teeth of the order of the Hon'ble Court.

(ii) For any other relief/ reliefs if the petitioner found entitle in the facts and circumstances of the present case.”

2. Mr. Rakesh Kumar Sharma, learned counsel for the petitioners and Mr. Sajid Salim Khan, learned SC-25 for the State-respondents, are present and they are heard.

3. The main issue raised by the petitioners in this writ petition is that for cancellation of the petitioners' long standing Jamabandi, Jamabandi Cancellation Case No. 1/2025-26 has been registered, in which notice dated 12.04.2025 has been issued without proper verification and without giving proper opportunity to the petitioners. It is submitted by petitioners' counsel that the land in question was initially owned by Late Rameshwar Narayan Agrawal by way of Hukumnama got from the then landlord namely Thakur Rudreshwari Prasad Sinha. Upon the basis of the said Hukumnama, a Jamabandi No. 133 was opened in the name of Late Rameshwar Narayan Agrawal and thereafter, the said land was mutually partitioned among the sons and daughters of Late Rameshwar Narayan Agrawal and new Jamabandi Nos. 237, 238, 239, 240 and 241, were created



in the name of five co-sharers. Subsequently, the ex-landlord of the said property filed a return with the Government in respect of the suit property in the name of said five co-sharers and after the death of Rameshwar Narayan Agrawal, his sons and his grandsons got their names added in the revenue records and accordingly, rent receipts were started being issued with respect to the entire land measuring 195.75 acres. It is further submitted that in the year 1968-69, the State Government had conducted the land survey in connection with the land in question and during that process of survey, the said land was incorrectly recorded as land belonging to the State Government and thereafter, the heirs of late Rameshwar Narayan Agrawal filed a case bearing No. 180/1981-82 under section 10(4) of the Land Consolidation Act, in the name of Ashok Kumar Agrawal & Ors. vs. The State of Bihar in the year 1980, which was decided in favour of the heirs of Rameshwar Narayan Agrawal by final order dated 07.07.1986 and consequently, the said order was accepted by the State of Bihar and Form No. 17 was issued in favour of the heirs of Rameshwar Narayan Agrawal after carrying out necessary corrections in the revenue records and thereafter, a three men committee was constituted at the direction of DCLR to enquire into the matter and in the



meantime, in following with an order issued by the State Government vide letter No. 94 dated 31.07.2015, the Additional Collector, Banka, inspected the land in question and a detailed report was submitted by the DCLR to the Additional Collector, Banka, with all the relevant documents regarding the present position of the land. It is further submitted by petitioners' counsel that the petitioner No. 1 purchased the land in question in his name and also in the name of his wife, namely, Vandana Devi, through registered sale deed with respect to the land appertaining to Khata No. 164, Khesra No. 03 on 11.04.2007 and 08.11.2013 respectively, of which total area is 2 Acres 82½ decimals and 10 decimal respectively and a copy of these sale deeds have been filed with this petition by way of Annexure- '5 series' and thereafter, rent receipts were started to be issued by the respondent authorities in favour of the petitioner and his wife, which run till the year 2025. The petitioner No. 2 purchased the land in question in the name of his wife, namely, Patrika Devi and got the land through registered sale deed appertaining to Khata No. 164, Khesra No. 03 on 02.05.2015, of which total area is 5.75 decimal and in her favour also the rent receipt was issued, which run till the year 2025 and accordingly, the petitioner Nos. 3 and Petitioner No. 4 purchased the land in



question concerned to them detailed in the impugned notice, in the name of their mother and wife through registered sale deed respectively and rent receipts were also issued in favour of them. It is further submitted that the petitioners are in peaceful possession of the land in question but suddenly a joint notice dated 12.04.2025 was issued by the Circle Officer, Banka, against 579 persons, including the petitioners, in Jamabandi Cancellation Case No. 01/2025-26 in a mechanical manner without giving opportunity of hearing to the petitioners and the institution of the Jamabandi Cancellation case is completely in violation of the settled principle of law propounded by this Court in several judgments and the petitioners' issue is squarely covered with the case of **Santosh Kumar Singh & Anr. vs. The State of Bihar & Ors.**, in **CWJC No. 13341/2025**, in which this Court made the following observations, which is relevant to the present matter :-

“4. In view of the settled position of law, having heard the learned counsels for the petitioners as well as the Respondents, this Court proposes to dispose of the instant writ petition, giving liberty to the petitioners to appear before the competent authority in Jamabandi Cancellation Case with all documents and evidences to show that there is long standing settlement in favour of the petitioners in respect of the land in question and in such case, the competent authority shall proceed with the



application in terms of the decision passed by this Court in C.W.J.C. No. 17619 of 2018 and C.W.J.C. No. 4979 of 2005.

5. The Respondents are also given liberty on the basis of the observation made by this Court in C.W.J.C. No. 16985 of 2018 to file a Title Suit in the Civil Court of competent jurisdiction, if they want to cancel the long standing Jamabandi and till the disposal of the said suit, the Jamabandi of the petitioners cannot be disturbed.”

Learned counsel lastly submitted that in the light of the observation made by the co-ordinate bench of this Court in the case of Santosh Kumar Singh (*supra*), the petitioners’ present writ application may be disposed of.

4. After having heard the petitioners’ counsel as well as learned counsel for the State-respondents and going through the annexures filed by the petitioners with this writ application and also taking into account the principles laid down by this Court in the case of Santosh Kumar Singh (*supra*), this Court is of the view that it is settled principle of law that a long standing Jamabandi can not be cancelled through summary proceeding and if the State Government wants to proceed for cancellation of a long standing Jamabandi, then a civil suit is required to be filed. Accordingly, the instant writ petition stands disposed of, giving the petitioners a liberty to appear before the competent authority in Jamabandi Cancellation Case No. 1/2025-26 with



all documents and evidences to show that there is long standing jamabandi in favour of the petitioners in respect of the land in question and in such case, the competent authority shall proceed with the case in terms of the decision passed by this Court in C.W.J.C. No. 17619 of 2018 and C.W.J.C. No. 4979 of 2005.

5. In the light of the observations made by this Court in C.W.J.C. No. 16985 of 2018, the respondents will have a liberty to file a Title Suit in the Civil Court of competent jurisdiction, if they want to cancel the petitioners' long standing Jamabandi but till the disposal of the said suit, the Jamabandi of the petitioners should not be disturbed.

(Shailendra Singh, J)

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