

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.524 of 2025

Md Ahsanul Haque S/o Samsul Haque, Resident of Village- Barbanna, P.S.
and District- Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Department, Bihar, Patna.
2. The Divisional Commissioner, Purnea Division, Purnea.
3. The Collector, Katihar.
4. The Add. Collector, Katihar.
5. The Deputy Collector, Land Reforms, Katihar.
6. The Circle Officer, Hasanganj, District- Katihar.
7. Ranjeet Kharwar, S/o Late Jitan Kharwar, Resident of Village- Bramhchhari, P.S.- Muffasil, District- Katihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Bhola Prasad
For the Respondent/s : AC to AAG-5

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 28-01-2025 1. Heard learned counsel for the petitioner and learned
AC to AAG-5.

2. The learned counsel for the petitioner submits that the land pertaining to *Khata* No. 203, Area 1.19 acres at Mouza- Hasanganj, District Katihar is the land in dispute in the instant writ application. It is submitted that the aforesaid land was settled in the name of Jitendra Kharwar (father of the respondent no. 7) vide Settlement Case No. 90 of 82-83 and after his death Ranjeet Kharwar (respondent no. 7) came in possession of the land in question and the land was mutated vide Mutation Case No. 348 of 2008-09 in favour of respondent no. 7 It is further submitted that respondent no. 7 after getting permission of the competent



authority under Section 49G of the B.T. Act vide order contained in Memo No. 34 dated 16.03.2009 (Annexure-1) issued by the Circle Officer, Hasanganj, sold the land in question to the petitioner by registered sale deed dated 18.09.2009 (Annexure-2). It is further submitted that the petitioner after purchasing the land applied for mutating the land in his name and accordingly filed Mutation Case No. 568 of 2010-11 which was allowed and correction slip was issued and *Jamabandi* No. 1348 and 1373 was created in his name (Annexure-3 series). It is next submitted that the Circle Officer, Hasanganj recommended for cancellation of *Jamabandi* No. 1328 and based on the said recommendation, *Jamabandi* Cancellation Case No. 54 of 2012 was initiated before the Additional Collector, Katihar and the Additional Collector, Katihar by an order dated 28.12.2012 (Annexure-4) cancelled the *Jamabandi* of the land existing in the name of the petitioner, accordingly, the petitioner filed an appeal before the Collector, Katihar against the order dated 28.12.2012 passed by the Additional Collector, Katihar in *Jamabandi* Cancellation Case No. 54 of 2012, the Collector by his order dated 26.03.2013 (Annexure-5) set aside the order of the Additional Collector and directed the Circle Officer, Hasanganj to restore *Jamabandi* created in favour of the petitioner against which the State moved before the Commissioner by filing *Jamabandi* Cancellation



Revision Case No. 132 of 2015 and the same was dismissed in default by an order dated 16.05.2018 and the said revision till date has not been restored nor the order dated 16.05.2018 has been challenged by the State authorities, as such, the order of the Collector attained finality in absence of any challenge. It is next submitted that despite petitioner filing several representation before the Circle Officer, Hasanganj to restore the *Jamabandi* in his name, but the Circle Officer is sitting tight over the matter as such the instant writ application has been filed seeking a direction upon the Circle Officer to restore the *Jamabandi* No. 1348 with respect to 1.19 acres of land pertaining to *Khata* No. 203 at Mouza Rampur Anchal, Hasanganj District- Katihar in the name of the petitioner in compliance of the order of the Collector dated 26.03.2013 in *Jamabandi* Appeal No. 260 of 2012-13.

3. The learned counsel appearing on behalf of the State submits that the revision application filed by the State before the Commissioner was dismissed in default in the year 2018 and the petitioner has moved this Court in the year 2025 i.e. after seven years of dismissal of revision case in the Court of Divisional Commissioner, as such, it might be a possibility that the State might have filed an application seeking restoration of the revision case or some orders might have been passed, on which the learned counsel appearing on behalf of the petitioner submits that



petitioner is aware that ultimately if the order of the Collector is set aside, in that event the relief sought for in the instant writ application cannot be granted to the petitioner and his *Jamabandi* shall be cancelled.

4. After hearing the learned counsel for the parties, the writ application is disposed of with a direction to the petitioner to file a fresh representation before the Circle Officer, Hasanganj for seeking the relief as claimed in the instant writ application with all the relevant facts on or before 10.02.2025 and if any application is filed by the petitioner on or before 10.02.2025 in that event the Circle Officer, Hasanganj is directed to consider the same in accordance with law within a period of three months thereafter.

5. The writ application is disposed of.

(Satyavrat Verma, J)

Rishabh/-

U			
---	--	--	--

