

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.56 of 2025

1. Nunubabu Singh @ Nunubabu Prasad Singh Son of Late Bhagwat Singh Resident of Village/PS/PO Matihani District Begusarai, Pin-851129
2. Chakravarti Prasad Singh Son of Late Bhagwat Singh @ Bhagwat Prasad Singh Resident of Village/P.S./P.O.-Matihani, District-Begusarai, Pin-851129.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Education Department, Bihar, Patna.
3. The Divisional Commissioner, Munger,
4. The Collector-Cum-District Magistrate, Begusarai.
5. The Additional Collector, Begusarai.
6. The District Education Officer, Begusarai.
7. The Anchal Adhikari, Matihani, District-Begusarai
8. The Head Master, Kanya Madhya Vidyalay, Matihani, Ward no.2, P.O./P.S.-Matihani, District-Begusarai.
9. Shambhu Singh Son of Late Ramanuj Prasad Singh Resident of Village/P.O./P.S.-Matihani, District-Begusarai.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sidhendra Narayan Singh, Advocate
Mr. Kumar Lalit, Advocate
For the Respondent/s : Mr. Yogendra Prasad Sinha, AAG-7

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 20-01-2025 Heard Learned Counsel for the petitioners and
Learned Counsel for the State.

2. Learned Counsel for the petitioners submits that the present writ petition has been filed for the following reliefs:-

“(i). For quashing of very filing,
initiation & continuation of Jamabandi



Cancellation Case no.20/2018-19 pending in the court of Addl. Collector, Begusarai u/s 9 of the Bihar Land Mutation Act, 2011 at the instance of Respondent no.9-Shambhu Singh against petitioners [as a) the said Jamabandi is standing since inception or even before vesting of Zamindari System in name of petitioners or their father, b) it is wholly illegal, unwarranted, mischievous, not maintainable as R-9 have No Locus/right/title/interest/possession at all regarding land/plots-in-question, c) it is in teeth of pre-conditions prescribed u/s 9 (1), 9(3) & 9(4) of the Bihar Mutation Act, 2011].

(ii.) Further, under peculiar facts & circumstances stated hereinafter, the respondents-State may be directed either to vacate the petitioners' ancestral/raiyati land-in-question, i.e. Khata no.1431, E no.1377, Area-5 Katha, 4 Dhur, situated in Mauza/P.S./Anchal- Matihani, District-Begusarai, or to get the same re-conveyed/donated from petitioners recognizing them as Donor of the land having legal right & title over it with only condition/consideration, if possible, that the Govt. School-in-question standing over land-in-question, namely, Kanya Madhya Vidyalay, Matihani be named in name of our



father Bhagwat Singh.

(iii.) During pendency of this application, further proceeding of Jamabandi Cancellation Case no. 20/2018-19 pending in the Court of Addl. Collector, Begusarai may be stayed.”

3. Learned Counsel for the petitioners submits that the private respondent No.9 has no locus to file any petition for cancellation of the petitioners' land which is going on before the Additional Collector being Jamabandi Cancellation Case No.20/2018-19 under Section 9 of the Bihar Land Mutation Act, 2011. Learned Counsel for the petitioner submits that upon getting knowledge of the said Jamabandi cancellation case, petitioner has filed objection before the State Commissioner, DEO under registered legal notice dated 25.08.2020 and reminder dated 21.12.2021 but no action has taken place. Thereafter, they have filed the present writ petition.

4. Learned Counsel for the State submits that this Hon'ble Court may not entertain this application on merit and the petitioners may be directed to file objection in Jamabandi Case on the point of maintainability.

5. In response thereof, Counsel for the petitioners submits that this case may be decided after issuing the notice and hearing all the concerned.



6. After going through the pleadings and the arguments of the parties, this Court without entering into the merit and demerits of the case grants liberty to the petitioners to file objection in Jamabandi Cancellation Case No.20/2018-2019 within 30 days along with a copy of this order and the Additional Collector, before whom the Jamabandi Cancellation Case No.20/2018-19 is pending, shall pass order within 90 days, after hearing both the parties about maintainability of the said Jamabandi Cancellation Case No.20/2018-19 first and then only proceed on merit, if law permits.

7. With this direction, this writ petition is disposed off.

(Dr. Anshuman, J)

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