

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1340 of 2026

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1. Ramesh Prasad S/o- Late Badlu Prasad, R/o- Vill and P.O- Khajuri, P.S- Nobatpur, District- Patna.
 2. Arun Kumar, S/o- Ram Naresh Prasad, R/o Vill and P.O- Khajuri, P.S- Nobatpur, District- Patna.
 3. Sanjay Kumar, S/o Ram Naresh Prasad, R/o Vill and P.O- Khajuri, P.S- Nobatpur, District- Patna.
 4. Neeraj Kumar, S/o- Late Badlu Prasad, R/o Vill and P.O- Khajuri, P.S- Nobatpur, District- Patna.
 5. Umesh Kumar, S/o Late Badlu Prasad, R/o Vill and P.O- Khajuri, P.S- Nobatpur, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Commissioner Patna Division, Patna.
3. The Land Reforms Deputy Collector, Danapur, Patna.
4. The Additional Collector, Patna.
5. The Circle-Officer, Naubatpur, Patna.

Respondent 1st Set

6. Damyanti Devi, W/o Shivbalak Sharma R/o Village and P.O- Khajuri, P.S- Nobatpur, District- Patna.
7. Phul Kumari Devi @ Ful Kumari Devi, W/o- late Badlu @ Badalu Prasad, R/o Village and P.O- Khajuri, P.S- Nobatpur, District- Patna.
8. Mahanand Verma, S/o- Vidya Saran Mahto, R/o Village and P.O- Khajuri, P.S- Nobatpur, District- Patna.
9. Ajit Kumar, S/o- Late Sivlal Verma, Village and P.O- Khajuri, P.S- Nobatpur, District- Patna.

... .. Respondents 2nd set

Appearance :

For the Petitioner/s	:	Mr. Shashi Shekhar Tiwary, Advocate
For the Respondent/s	:	Mr. Subhash Chandra Mishra, SC 16

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 03-02-2026 Heard Mr. Shashi Shekhar Tiwary, learned counsel

 appearing on behalf of the petitioners and Mr. Subhash Chandra

 Mishra, learned SC 16 for the State.

2. Petitioners have *inter alia* prayed for following



reliefs in the paragraphs No.1 of the writ petition:-

“(i) The jamabandi proceeding under the present matter may kindly directed to be looked into/adjudicated in the light of Maya Devi & Ors. (since reported in 2014(4) BBCJ V-152), and other judicial pronouncement like Arun Kumar Goenka case (since reported in 2023(5) BLJ 321) and other similar matter in the interest of justice.

ii. The answering respondents may kindly be directed to not disturb the present status of the petitioners' land in question, in view of the Division Bench order of this Hon'ble Court passed in Ramowtar Lakhota Vs. the State of Bihar & Ors. Case (since reported in 2024(3) BLT 329) till final adjudication of the matter in hand.

iii. The order dated 15.09.2025 passed in connection with jamabandi Case No.130/2024-25 (Annexure 6, Pg. 67) may kindly be quashed, as the same is not only without jurisdiction so also having no sanction of law at all.

iv. The report dated 04.07.2024 (Ann. Pg.) said to be submitted by Revenue Clerk to the Circle Officer, Noubatpur, may kindly be declared as nonest in the eye of law as the same is having no any legal sanctity on the face of it.

v. Till the settlement of the dispute the petitioners' right, title and possession couldn't be allowed to disturb in any manner.

vi. Any other relief or reliefs may kindly be allowed, for which the petitioner be found entitle in the opinion of this Hon'ble Court.”

3. The brief facts of the case is that the mother of petitioner no. 1, namely Ful Kuer Devi, had earlier approached this Court by filing C.W.J.C. No. 15306 of 2006 seeking quashing of the order dated 02.09.2006 passed by the Commissioner, Patna Division, in Mutation Revision Case No. 13 of 1998, which was disposed of on 08.08.2008 with specific directions and observations; upon non-compliance, a contempt application being M.J.C. No. 4814 of 2012 was filed, during the



pendency whereof the mutation application was allowed in favour of Ful Kuer Devi by order dated 18.10.2012 passed by the Circle Officer, Naubatpur in Jamabandi Case No. 39 of 2009–2010. Thereafter, the said mutation order was challenged by private respondent nos. 8 and 9 in C.W.J.C. No. 14664 of 2013, which was disposed of on 12.08.2014 directing the Circle Officer to pass a fresh order in accordance with law. However, in purported compliance, the Circle Officer, Naubatpur, in a highly arbitrary and illegal manner, submitted a proposal dated 04.07.2024 to cancel the long-standing Jamabandi running in the name of the petitioners' ancestors on the basis of a sketchy report of the same date, leading the petitioners to prefer JBCA No. 130/2024–2025 before the Additional Collector, Patna, which was rejected by order dated 15.09.2025 without proper consideration of materials on record and by blindly relying upon selective facts of the private respondents, despite the settled law that a long-standing Jamabandi cannot be interfered with by the revenue authorities.

4. The petitioners and respondents no.6 to 9 are claiming title on the basis of possession of land not described in the writ petition. The petitioners are aggrieved by the order dated 15.09.2025 passed in connection with Jamabandi Case



No. 130/2024–25.

5. The petitioners have not disclosed the genealogy of the family to which they belong, nor they have furnished any information, as to whether, the Hukumnama for settlement of the land in question, as claimed in the present writ petition, was granted to one Phul Kumari Devi, wife of late Badau Prasad, who belonged to the petitioners' family of the ex-landlord in accordance with the provisions of the Succession Act.

6. The question of determination of title in respect of joint family property can be determined only by the competent civil court.

7. The Revenue authorities have no power or jurisdiction to decide the complicated question of title and possession. The Hon'ble Supreme Court in the case of ***Faqrudin v. Tajuddin***, reported in, ***(2008) 8 SCC 12***, in para no. 44 and 45, held as under:

44. The jurisdiction of the Board of Revenue being limited, no title could have been conferred upon the plaintiff. Title in or over a land will depend upon the statutory provisions. A title does not remain in vacuum. It has to be determined keeping in view the law operating in the field viz. religious law or statutory law or customary law, etc.

45. Revenue authorities of the State are concerned with revenue. Mutation takes place only for certain purposes. The statutory rules must be held to be operating in a limited sense. The provisions of Rule 13 of the Matmi Rules laying down a rule of primogeniture will have no application in relation to the offices of sajjadanashin and mutawalli, which are offices of different nature. They are stricto sensu not hereditary in nature. It is



well settled that an entry in the revenue records is not a document of title. Revenue authorities cannot decide a question of title.

8. Considering the nature of relief as sought for in the present writ petition and several litigation fought between the parties, this Court finds that the aggrieved parties may file suit for determination of their title.

9. The writ petition is disposed of with a liberty to the parties to avail remedy before the competent civil court, having jurisdiction for determination of their title over the land in dispute.

(Purnendu Singh, J)

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