

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2008 of 2026

1. Devki Singh son of Late Hargovind Ahir, resident of K.G. Road, Ara, P.S.-Ara, Nawada, District-Bhojpur, Bihar.
2. Ayodhya Singh son of Late Hargovind Ahir, resident of K.G. Road, Ara, P.S.-Ara, Nawada, District-Bhojpur, Bihar.
3. Bhagwati Singh son of Late Hargovind Ahir, resident of K.G. Road, Ara, P.S.-Ara, Nawada, District-Bhojpur, Bihar.
4. Rajendra Singh son of Late Hargovind Ahir, resident of K.G. Road, Ara, P.S.-Ara, Nawada, District-Bhojpur, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Revenue and Land Reforms Department, Government of Bihar.
2. The Additional Chief Secretary, Revenue and Land Reforms Department, Government of Bihar.
3. The Collector, Bhojpur at Ara, Bihar.
4. The Additional Collector, Bhojpur at Ara, Bihar.
5. The Circle Officer, Ara, Bihar.
6. Ashim Sundar Das son of Late Ajit Sundra Das, permanent resident of Mohalla - Mahajan Toli No. 1, Arrah, P.S. Arrah Town, District - Bhojpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Bimal Kumar, Advocate
For the Respondent/s	:	Mr.Gautam Kumar Yadav, AC to GP(26)
For the Resp. No.6	:	Mr.Chandrakant, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL JUDGMENT

Date : 09-02-2026

Heard Mr. Bimal Kumar, learned counsel appearing on behalf of the petitioners; Mr. Gautam Kumar Yadav, learned AC to GP(26) for the State and Mr. Chandrakant, learned counsel for the respondent no.6.



2. The petitioners in paragraph no. 1 of the present writ petition have sought, *inter alia*, the following relief(s), which is reproduced hereinafter:-

“(i) To issue an appropriate order/direction in the nature of certiorari for quashing the order dated 29.12.2025 passed by the Learned Additional Collector, Bhojpur at Ara in Mutation Cancellation Case No.- 25/2025-26 by which the mutation created in favour of the petitioners bearing Jamabandi no. 75 against Old Khata No. 05, Old Khesra No. 26, 27 & 28 has been cancelled (Annexure-P/10, Pg.-66).

(ii) To issue an appropriate order/direction in the nature of mandamus commanding the respondent authorities to restore the Jamabandi no. 75 in favour of the writ petitioners in the rent records of the lands bearing Old Khata No. 05, Old Khesra No. 26, 27 & 28.

(iii) To issue an appropriate order/direction in the nature of mandamus commanding the respondent authorities not to give effect the order dated 29.12.2025 or to create any third party right in favour of the private respondent no. 6.

(iv) To issue any other relief for which the petitioners are entitled for.”

3. Brief facts of the case are that the land bearing Old Khata No. 5, Old Khesra Nos. 26 (5 decimals), 27 (45 decimals) and 28 (24.5 decimals) situated at Mauza–Nawada, Town–Arrah was purchased by Late Hargovind Ahir, father of the writ petitioners, from the recorded raiyat Indradev Pathak by a registered sale deed dated 23.08.1929 (Deed No. 5691), preceded by payment of consideration through Mahadanamas dated 03.07.1922, 12.09.1924 and 21.06.1927. After purchase of the said land, Late Hargovind Ahir remained in peaceful,



uninterrupted possession, duly recognized by the revenue authorities. Rent receipts were issued from 1929 onwards and Jamabandi No. 75 stood in his name since 1957. After his death in 1982, the Jamabandi was mutated in the year 1985 in favour of his four sons bearing Jamabandi No. 75/5, and rent receipts have continuously been issued in their favour till 2025. In 2025–26, private respondent No. 6, Bibhuti Kumar Jain, filed Jamabandi Cancellation Case No. 25/2025–26 claiming title through alleged transfers originating from Bindeshwari Pathak. The petitioners contested the claim, relying on the 1929 sale deed, registry index entries, rent receipts, possession certificate dated 03.07.2025, and judgment passed Title Suit No. 253/1929, wherein, it was held that one Bindeshwari Pathak had no right or locus to sell the land. Despite the long-standing Jamabandi and ignoring the above evidence and judgment of the competent Court, ADM, Ara on his own determined the title of the private respondent no.06 by order dated 29.12.2025 and cancelled Jamabandi No. 75, relying *inter alia* on a 1931 sale deed and certain municipal/rent records. The petitioners claim that the Additional Collector has committed the jurisdictional error by cancelling a decades-old Jamabandi in summary proceedings and the pendency of Cr. WJC No. 2127 of 2025 on identical



facts hence the present writ petition.

4. Learned counsel appearing on behalf of petitioners submitted that primarily the dispute between the petitioners and private respondent no.6 is appertaining to Jamabandi No.75 bearing Old Khata No.05, Old Khesra No.26, 27 and 28 and the petitioners have brought on record several land receipts issued in their favour and one sale deed dated 23.08.1929 (Annexure – P/7) in support of their relief as prayed for in the present writ petition.

5. *Per contra*, learned counsel appearing on behalf of the respondent no.6 gives information that the said Jamabandi no.75 is in the name of one Ashim Sundar Das and the private respondent no.6 is the one who is in possession of Khata No.05, Khesra No.26, 27 and 28 and on the basis of possession the Circle Officer concerned has correctly recommended for cancellation of Jamabandi and there is no infirmity in the order dated 29.12.2025 passed by the Additional Collector, Bhojpur calling for no interference of this Court.

6. Heard the parties.

7. Considering the nature of dispute and the manner in which the Circle Officers in Bihar from time to time in exercise of their jurisdiction has created frivolous cases by putting one



person in advantageous position and other to face the consequences of their illegal act. Present is the case where the petitioners claim to be in possession of the land, which has been disputed by the respondent no.6. The land has been described in above paragraphs of this writ petition. The Circle Officer in a very arbitrary and malafide manner has cancelled the Jamabandi standing in the name of the petitioners who also claim to be the owners. The record reveals that the respondent no.6 has filed application before the Circle Officer has admitted in his application that he was not in possession of the land.

8. It is well settled that 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 ***Faqruddin 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.

9. Considering the facts of the case as well as, the law laid down by the Apex Court in case of *Faqruddin (Supra)*, I find that based on certain documents without verifying its genuity, the revenue authority has proceeded to decide the title of the parties and as such the order dated 29.12.2025 passed by the Additional Collector, Bhojpur is hereby set-aside and quashed.

10. The Collector, Bhojpur is directed to constitute a three-member committee of officials not below the rank of Additional Collector and based on the inquiry report, verify, as to whether, any other person also claim their interest with the original land holders in respect of the land in question and after providing opportunity to both the parties pass a reasoned order in accordance with law.

11. Accordingly, the present writ application stands disposed of.

(Purnendu Singh, J)

Ashishsingh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.02.2026
Transmission Date	NA

