

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3901 of 2025

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Ram Ekbal Prasad Yadav @ Ram Ekbal Prasad S/o Late Saral Choudhary,
Resident of Jigna Jagarnath, Tola Takalpura, P.S. Mirganj, Distt. Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary Revenue and Land Reforms Department, Govt. of Bihar, Patna.
2. The Additional Chief Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
3. The District Magistrate-Cum-Collector, Gopalganj.
4. The Additional Collector, Gopalganj.
5. The Deputy Collector, Land Reforms, Hathwa, Dist- Gopalganj.
6. The Circle Officer, Bihta, Hathwa, District- Gopalganj.
7. The Secretary, Department of Industry, Govt. of Bihar, Patna.
8. The Managing Director, Bihar Industrial Area Development Authority (BIADA), Gopalganj.
9. The Executive Director, Bihar Industrial Area Development Authority (BIADA), Gopalganj.
10. The Development Officer, Bihar Industrial Area Development Authority (BIADA), Gopalganj.
11. The Managing Director, Bihar State Sugar Mill Corporation, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ranjan Kumar Dubey, Advocate
	:	Ms. Sheshadri Kumari, Advocate
For the State	:	Mr. Standing Counsel (13)
	:	Mr. Hitesh Suman, AC to SC-13
For the BIADA	:	Mr. Bindhyachal Singh, Sr. Advocate
	:	Mr. Abu Nasar, Advocate
	:	Mr. Aakash Singh, Advocate
For the Sugar Mill Corp.:	:	Mr. Gyan Shankar, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 16-03-2026 Heard Mr. Ranjan Kumar Dubey, learned counsel for

the petitioner duly assisted by Ms. Sheshadri Kumari and Mr.

Bindhyachal Singh, learned Senior Counsel representing the

Bihar Industrial Area Development Authority (henceforth for



short 'the BIADA') duly assisted by Mr. Abu Nasar and Mr. Aakash Singh beside Mr. Gyan Shankar, learned counsel representing the Sugar Mill Corporation (henceforth for short 'the Corporation').

2. The present petition has been preferred for the grant of following relief(s):

“(i) for issuance of writ in the nature of certiorari for quashing the order dated 10.04.2024 passed by Additional Collector, Gopalganj in Jamabandi Cancellation Case No.539/2023-24 by which he has canceled the long standing Jamabandi No. 104 running in the name of deceased father of petitioner namely Saral Choudhary in relation to raiyati lands of thana No. 1060, Khata No. 135, Plot No.341, 345, 359, Khata No. 188, Plot No. 344 and Khata No. 140, Plot No. 340 having its total area 2 bigha 5 katha, Situated at Mauza Badarjimi, Anchal Hathua, for which Jamabandi.

(ii) for issuance of writ in the nature of mandamus directing the respondents to produce



records of so called land acquisition case in which land of petitioner has been acquired and if not so then they may be directed to initiate land acquisition proceeding under Right to Fair Compensation And Transparency in Land Acquisition, Rehabilitation, Resettlement Act. 2013 for acquisition of the disputed land and pay adequate compensation to petitioners for their raiyati lands of thana No. 1060, Khata No. 135, Plot No.341, 345, 359, Khata No. 188, Plot No. 344 and Khata No. 140, Plot No. 340 having its total area 2 bigha 5 katha 6 dhur, Situated at Mauza Badarjimi, Anchal Hathua, for which Jamabandi No. 104 was running in the name of deceased father of petitioner.

(iii) for issuance of writ in the nature of certiorari for quashing the order dated 11.06.2024 (Annexure-P14) passed in Mutation Case No. 205/2024-25 (filed by BIADA) in respect to the land of petitioner since said order has been passed behind the back of petitioner in arbitrary manner.



(iv) for issuance of writ in the nature of Mandamus directing the respondents to not take force full possession or making any type of construction over the raiyati land of petitioner of Thana No. 1060, Khata No. 135, Plot No.341, 345, 359, Khata No. 188, Plot No. 344 and Khata No. 140, Plot No.340 having its total area 2 bigha 5 katha 6 dhur, Situated at Mauza Badarjimi, Anchal Hathua, for which Jamabandi No. 104 was running in the name of deceased father of petitioner.

(v) for any other writ/writs, order/orders for which petitioners deemed entitled to.”

3. The details of the land has been incorporated in paragraph no.4 of the petitioner and read as follows:

“Than No.1060, Khata No.188, 140, 133 and 135, Plots No.344, 345, 340, 341 and 359 having its total area 2 bigha 5 kattha and 6 dhurs situated at Mauza Badarjimi, Anchal Hathua for which Jamabandi No.104 was running in the name of deceased father of the



petitioner.”

4. The claim of the petitioner is/are that the land in question was purchased by his father, Saral Chaudhary between 1966 to 1969 and since then, he is having peaceful physical possession over it. The contention is that ‘the BIADA’ preferred Mutation Case No.1946 R27/2021-22 with respect to different lands which included the lands of the petitioner also before the Circle Officer, Hathwa, Gopalganj. This followed the order of rejection by the Circle Officer, Hathwa, Gopalganj dated 01.06.2023 which was partly allowed after recording that so far as the other plots are concerned, ‘the BIADA’ have to make amends.

5. The contention is that one the one hand, the Circle Officer, Hathwa, Gopalganj acknowledged the anomalies in the mutation case preferred by ‘the BIADA’, side by side, he recommended cancellation of the petitioner’s land by sending appropriate proposal before the Additional Collector, Gopalganj which led to to Jamabandi Cancellation Case No. 539 of 2023-24 (State of Bihar through Circle Officer, Hathwa vs. Ram Ekbal Prasad Yadav) and after hearing the parties, the Additional Collector, Gopalganj passed an order on 10.04.2024 by which after recording that the lands in question stand



transferred to 'the BIADA' from SKG Distillery, the approval was made for cancellation of Jamabandi (Annexure-P/1 to the petition).

6. Aggrieved, the present writ petition.

7. It is the case of the petitioner that despite the Circle Officer, Hathwa acknowledging that there is no Jamabandi of the SKG Distillery, a proposal for cancellation was made and the Additional Collector, Gopalganj under wrong conclusion recorded that two Jamabandis cannot run simultaneously and as such, the order in question was passed. He submits that in another case, after aggrieved by the order of the Additional Collector, Gopalganj, one Ramchandra Rawat moved in Jamabandi Cancellation Appeal Case No. 23 of 2024 (Ramchandra Rawat vs. the State of Bihar) which was disposed of by the Collector, Gopalganj on 17.11.2025 and though he acknowledged that the Additional Collector, Gopalganj came to a wrong conclusion, only because CWJC No. 578 of 2025 (Om Prakash Tiwari vs. The State of Bihar) is pending before this Court, chose not to take the matter to its logical conclusion.

8. A copy of the said order has been provided by the learned counsel for the petitioner which is kept on record. The submission is that in that background, an interference is



required.

9. Mr. Bindhyachal Singh, learned Senior Counsel is representing 'the BIADA' and according to him, the land originally belongs to the SKG Distillery and the same was transferred finally to 'the BIADA' whereafter the prayer for mutation was made. The contention of the petitioner is bereft of any document save and except the sale deed and whether the person executing it was legally entitled to the same or not is also not clear. He further submits that the Additional Collector, Gopalganj while passing the order concluded that if aggrieved, the petitioner can avail the remedy of appeal which has not been availed.

10. Learned Senior Counsel further submits that if the petitioner prefers an appeal, all the documents including the details of the transfer of land which included the land's of the petitioner will be put forward before the Collector, Gopalganj so that a reasoned order could be passed.

11. Learned counsel representing 'the Corporation' on the other hand also submits that they shall also be appearing before the Collector, Gopalganj if the petitioner prefers appeal and shall put forward their views so that the Collector, Gopalganj can come to a conclusion.



12. This Court has gone through the facts of the case as also the first order of the Circle Officer, Hathwa wherein it gave direction to 'the BIADA' to make amends. However, the Additional Collector, Gopalganj on recommendation passed an order on 10.04.2024 against which the appeal was not preferred by the petitioner.

13. This Court has further taken note of the order dated 17.11.2025 passed by the Collector, Gopalganj wherein he though came to the conclusion, chose not to pass an appropriate reasoned order due to pendency of aforesaid CWJC No. 578 of 2025.

14. In that background, this Court is of the opinion that when an appeal is preferred against the order of the Additional Collector, Gopalganj, as in the present case, the Collector, Gopalganj is duty bound to notice all the stakeholders including 'the BIADA', 'the Corporation' as also the State and after hearing the parties, shall pass a reasoned order on the merit of the case. Further, the Collector, Gopalganj is duty bound to direct the other side to bring on record the original document which must have the details of the lands which were actually transferred.

15. The petitioner undertakes to file a proper petition



with supporting documents in next two weeks. Once the petition is preferred within a period of two weeks, the Collector, Gopalganj shall be taking steps, immediately, issuing notice to all the stakeholders including 'the BIADA', the State respondents as also 'the Corporation' and after hearing them, shall be taking a decision within a period of three months thereafter.

16. It is made clear that if the petitioner tries to delay the process, the Collector, Gopalganj is well advised to record the said fact, proceed and shall be taking the matter to its logical conclusion within the time frame.

17. Till the Collector, Gopalganj passes the order, so far as the land of the petitioner as detailed out above is concerned, status quo as existing today shall be maintained.

18. The writ petition is disposed of with the aforesaid observation.

(Rajiv Roy, J)

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