

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.5050 of 2025**

- 
1. Rekha Singh D/o- Late Indeshwari Prasad Singh, Resident of Madhubani, Ward No.- 13, P.S.- Khajanchi Hat, District- Purnea.
  2. Ragini Singh, D/o- Late Indeshwari Prasad Singh, Resident of Madhubani, Ward No.- 13, P.S.- Khajanchi Hat, District- Purnea.
  3. Dr. Shailesh Kumar Singh, S/o - Late Jang Bahadur Singh, Resident of Madhubani, Ward No.- 13, P.S.- Khajanchi Hat, District- Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms, Govt. of Bihar, Patna.
2. The Additional Chief Secretary, Revenue and Land Reforms, Govt. of Bihar, Patna.
3. The Joint Secretary, Revenue and Land Reforms Govt. of Bihar, Patna.
4. The Collector, Purnea.
5. The Additional Collector, Purnea.
6. The Land Reforms Deputy Collector, Sadar, Purnea.
7. The Circle Officer, Purnea East, Purnea.
8. The Sub-Divisional Officer, Sadar, Purnea.

... .. Respondent/s

---

**Appearance :**

|                      |   |                                                                                                           |
|----------------------|---|-----------------------------------------------------------------------------------------------------------|
| For the Petitioner/s | : | Mr.Avanish Kumar Singh, Advocate<br>Mr. Mukul Kumar Singh, Advocate<br>Mr. Kr. Bal Govind Singh, Advocate |
| For the Respondent/s | : | Mr.Addl. Advocate General (13)                                                                            |

---

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

3      16-03-2026                      Heard the parties.

2. The present petition has been preferred for the following relief/s:

*(i) for issuance of appropriate writ or direction in the nature of certiorari for quashing the order dated 10.10.2023, passed*



*by the learned Additional Collector, Purnea, in Jamabandi Cancellation Case No.07/2023-24, 16/2023-24, (Annexure 3), cancelling the long standing Jamabandi No 772, 780, and 313, running in the name of the petitioner Nos. 1 & 2 and father of the petitioner No. 3, since 1961. It is relevant to submit here that the petitioners have filed the Jamabandi Cancellation Appeal Case No. 90/2024, against the impugned order dated 10.10.2023, before the learned Collector, Purnea, but he has not been able to hear the matter till date, meanwhile the local administration is putting pressure upon the petitioners and others to vacate the land or else they would take forceful possession of the land in question;*

*(ii) for a direction to the Circle Officer, Purnea East, to restore the original Jamabandi No-772,780 and 313 running in the name of the Petitioners;*

*(iii) for restraining the respondents from*



*taking forcible possession over the rayati land of the petitioners because the petitioners have been in peaceful possession over the land in question since 1961 without any objection and have been paying the land rent since then;*

*(iv) for issuance of appropriate order/direction to the respondents to maintain the status quo till the final disposal of the present writ;*

*(v) for such other and further reliefs as the nature and circumstances of the case may require and thought fit by this Hon'ble Court.*

3. The details of the land stands incorporated in paragraphs 04 to 09 which read as under:

*4. the land of Mouza Madhubani, P.S.-  
Khajanchi Hat, Thana No-123/2, old  
ward No-30, District- Purnea, bearing  
Banaili Estate Private Khata No. 372,  
Banaili Estate, Private Plot No.250,  
area 05 Bigha 05 Katha of land with*



*other more lands was originally settled with Md. Nayeemudin, S/o- Hazi Sk. Lomayat Hussain by the Banaili Estate receipt No. 364 under specific boundaries i.e. Sadak P.W in the North, Camping Ground in the South, Purnea Sadar Hospital in the East, and Abdul Hafiz Mia & Alok Mia in the West;*

*5. that, while in possession and being absolute owner Md. Nayeemudin sold the said land under Raj Baniali Estate Katha No. 372, Banaili Estate Plot No. 250 area 05 Bigha 05 Katha with specific boundary to the mother of petitioner Nos. 1&2 and grandmother of petitioner No. 3 namely Saroj Bala Devi, W/o- Dr. Indeshwari Prasad Singh, by virtue of a registered sale-deed, vide Deed No. 11138 dated 10.08.1961 against the valuable consideration;*



*6. that, thereafter, Saroj Bala Devi got the purchased land partitioned in favour of her legal heirs and all the legal heirs of Saroj Bala Devi got their names mutated in the serista of State of Bihar and on the basis of Banaili Estate Khata No. 372, Banaili Estate Plot No. 250, separate Jamabandi has been created in the name of the legal heirs of Saroj Bala Devi and also in the name of her husband namely Dr. Indeshwari Prasad Singh and accordingly rent receipt was also granted in their name, prior to initiation of Municipal Survey Operation;*

*7 that, it is worth mentioning here that after partition and prior to the initiation of Municipal Survey Operation, Jamabandi No. 20/2-C was created in the name of Kalpana Singh and rent receipt No. 781993 dated*



*31.03.1981 issued in her name and Holding No-78'E' through Tax receipt No. 21 609 dated-26.04.1981 also issued in her names. Jamabandi No-19/2-C was also created in the name of Vijay Bahadur Singh, rent receipt No. 781992, dated 13.03.1981, issued in his name and Holding No. 78G through tax receipt No. 21611, dated 26.04.1981, issued in his name;*

*8. that similarly, Jamabandi No. 18/2-C was created in the name of Jang Bahadur Singh and rent receipt No. 781991 dated 31.03.1981 and Municipal Holding No. 78H through tax receipt No. 21612 dated 26.04.1981 issued in his name. Further, Jamabandi No 17/2-C was created in the name of Dr. Indeshwari Prasad Singh and rent receipt No. 781990 dated 31.03.1981 and Municipal Holding No. 78 Tax receipt*



*No. 21604 dated 26.04.1981 were issued in his name. Jamabandi No. 25/2-C was created in the name of Archana Devi and rent receipt No. 781989, dated 31.03.1981, and Municipal Holding No. 78C, through Tax receipt No. 21607 dated 26.04.1981 were issued in her name;*

*9. that jamabandi No 24/2-C, was created in the name of Rekha Singh, and rent receipt No. 781988, dated 31.03.1981 and Municipal Holding tax receipt vide Holding No. 78B through tax receipt No. 21606 dated 26.04.1981, was issued in her name.*

*Similarly, Jamabandi No. 23/2-C was created in the name of Ragini Devi and rent receipt No. 781987, dated 31.03.1981, and Holding No. 78 through Holding receipt No. 21605 dated 26.04.1981 was issued in her name.*



*Jamabandi No. 22/2-C was created in the name of Meera Singh and rent receipt No. 781986 dated 31.06.1981 and Holding No. 78F through receipt No. 21610 dated 26.04.1981 issued in her name.*

*Lastly, Jamabandi No. 21/2-C was created in the name of Neelu Singh and rent receipt No. 781985 dated 31.03.1981 and Holding No. 78D through tax receipt No. 21608 dated 26.04.1981 was issued in her name.*

*That, further, on the basis of aforesaid entry in Revenue Record and the documents submitted before Assistant Superintendent, Municipality Purnea in a case filed by Executive Engineer, Public Works Department vide Case No. 836/1980 for rectification of Khata and plots, holding that the same was Khas Mahal Land, the learned court of Assistant Superintendent, Municipality*



*Purnea, after hearing the parties and perusing the documents filed by the petitioners or their ancestor, rejected the claim of rectification of Khata and plots and ordered in favour of the Petitioners or their ancestor vide his order dated 30.05.1981.*

*That, during Municipal Survey Operation, Municipal Survey Record of right vide M.S. Khata No. 769, 777 and 310, M.S. Plot No. 1914/2656, 1914/2658, 1914/2659 stands recorded in the name of Petitioner No. 1 and 2 and father of the Petitioner No. 3, and in the name of other family member and they are exercising their all manner of right, title, interest and possession thereon.*

4. The claim of the petitioners is/are that the ancestors purchased the land decades ago and when the Executive Engineer, Public Works Division (as it then was) preferred **Case No. 836/2018 (the Executive Engineer, PWD vs. Jang**



**Bahadur Singh & Ors.**), it came to be rejected on 01.10.1981 by the Assistant Superintendent, Purnea. The further case is that for certain piece of land belonging to the ancestors, the State of Bihar also preferred Title Suit No. 25 of 2002 (**State of Bihar & Anr. vs. Jand Bahadur Singh and Ors.**). These too came to be dismissed for non-prosecution on 16.04.2011 and to their knowledge, neither any step taken for its restoration nor against the order, the State of Bihar moved further.

5. The grievance is that in the year 2023, the **Jamabandi Cancellation Case No.07/2023-24, 16/2023-24 (State of Bihar vs. Rekha Singh & Ors.)** were taken up by the Court of Additional Collector, Purnea and direction was given for the cancellation of Jamabandi vide an order dated 10.10.2023 (Annexure-P/3).

6. Learned counsel for the petitioners submit that this is complete harassment of the petitioners who having failed twice before the appropriate authority/Court have chosen to take for the cancellation of Jamabandi. He however, concedes that an appeal has been preferred against the order of the Additional Collector vide **Appeal No. 90 of 2004** which is pending for last two years without any fruitful outcome forcing them to move before the Patna High Court.



7. Learned State counsel though tried to defend the stand of the State Government, concedes that when appeal has been preferred before the Collector, Purnea it ought to have taken to its logical conclusion.

8. Facts have been narrated, the Additional Collector, Purnea has passed an order. The petitioners have preferred an appeal, it is expected that the respondent Collector, Purnea shall be taking up the said appeal and dispose it of at an earliest after hearing all the parties and going through the averment/records.

9 If the case has not been disposed of, the same be taken up and dispose of within a period of three months from the date, the petitioners hands over the order of this Court alongwith a fresh petition.

10. Since the appeal is pending before the Collector, Purnea, it is expected that till its disposal, the petitioners are not harassed unnecessarily.

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

**(Rajiv Roy, J)**

Ravi/-

|   |  |  |  |
|---|--|--|--|
| U |  |  |  |
|---|--|--|--|

