

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5738 of 2026

1. Pashupati Singh, son of Late Abhiram Singh,
2. Manju Devi, wife of Pashupati Singh,
Both resident of Village- Kathail, PS- Amarpur, District- Banka.
... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reform, Bihar State Government, Old Secretariat, Patna.
2. The Principal Secretary, Department of Revenue and Land Reforms, Bihar State Government, Old Secretariat, Patna.
3. The Commissioner, Bhagalpur Division, at Bhagalpur.
4. The Collector-cum-District Magistrate, Banka.
5. The Additional Collector, Banka.
6. Deputy Collector Land Reforms (DCLR), Banka.
7. The Circle Officer, Amarpur Block/Circle, Banka.
8. Umesh Prasad Singh, son of Late Tej Narayan Singh, resident of Village and PO- Kathail, PS- Amarpur, District- Banka.
... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Dev Kumar Pandey, Advocate
For the Respondent/s : Mr. Prateek Kumar, AC to GA 5

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 05-05-2026 Heard learned counsel for the parties.

2. This writ application has been filed for the following relief(s):

“A. *For setting aside the order dated 10.9.2025 (Annexure P/12) passed by the respondent commissioner in Jamabandi Cancellation (JBC) Revision case no. 22/2025-26 whereby and where under the said revision authority under Bihar Land Mutation Act 2011 refused to exercise its jurisdiction on the ground that a writ application with respect to the same subject land in question*



- is already pending between petitioners and the respondent no. 8 herein before the Hon'ble Patna high court on the point of a Bataidari dispute with respect to the same land in question and hence rejected the revision application of petitioners at the admission stage itself which was filed for cancellation of Jamabandi no. 274/1452 created on the name of Respondent no. 8.*
- B. *For setting aside the order dated 07.2.2025 (Annexure P/10), passed by the respondent Collector in Jamabandi Cancellation Appeal case no. 58/2022-23, whereby and where under the said appellate authority rejected the appeal of the petitioners on the ground that a writ application with respect to the same subject land is already pending between the petitioners and Respondent no. 8 before the Hon'ble Patna high court on a Bataidari dispute and refused to adjudicate on the illegality of the impugned Jamabandi no.274/1452, created on the name of Respondent no. 8 not with standing a categorical finding made by the same appellate authority that there is no possession of respondent no. 8 over the land in question and same is lying fallow from last 25 years.*
- C. *For a direction upon an appropriate authority under the Bihar Land Mutation Act to decide the Jamabandi cancellation case of the petitioner afresh, either at appellate or revision forum and pass a reasoned and speaking order in accordance with law, after adjudicating the legality of Jamabandi no. 274/1452 created on the name of Respondent no. 8 herein with respect to the land in question as detailed in paragraph no. 4 hereunder.*
- D. *For a direction on respondent nos. 4 to 7 not to issue any rent receipt to respondent no. 8, with respect to the land in question as detailed in paragraph no 4 hereunder, until legality of impugned Jamabandi no. 274/*



1452 created on name of respondent no. 8 is decided / adjudicated by the original / appellate authority in accordance with the provisions of Bihar Land Mutation Act & Rules.”

3. It is apparent from the record that this writ application has been filed against the order dated 10.09.2025 passed in Jamabandi Cancellation Revision Case No.22 of 2025-2026 (Annexure- P/12) directly before this Court under Article 226 of the Constitution of India. The appropriate remedy would lie before the Bihar Land Tribunal, Bihar, which is now functional vide notification dated 29.04.2026.

4. Having regard to the aforesaid, learned counsel for the petitioner seeks permission to withdraw this application with liberty to move the Bihar Land Tribunal, Patna, within a period of four weeks against the impugned order dated 10.09.2025 passed by the Divisional Commissioner, Munger, (Annexure- P/12) as well as order dated 07.02.2025 passed by the Collector, Banka, in Jamabandi Cancellation Appeal No.58 of 2022-2023.

5. Accordingly, this writ application is dismissed as withdrawn with liberty as aforesaid.

6. Let the office return the original writ application along with its annexures to learned counsel for the petitioner after retaining Xerox copy of the same within a period of one



week.

7. Learned counsel for the petitioner shall produce Xerox copy of the original petitioner along with the Annexures to be retained in the record of the case.

(Khatim Reza, J)

J. Alam/-

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