

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10438 of 2025

1. Rajeshwar Mistri S/o Late Meghnath Mistri, Resident of village- Mahuar, P.O.- Ekbalganj, P.S. - Bihta, District- Patna.
2. Madheshwar Mistri, S/o Late Meghnath Mistri, Resident of village- Mahuar, P.O.- Ekbalganj, P.S. - Bihta, District- Patna.
3. Ram Bihari Meghnath @ Ram Bihari Sharma, S/o Late Meghnath Mistri, Resident of village- Mahuar, P.O.- Ekbalganj, P.S. - Bihta, District- Patna.
4. Sudeshwar Mistri, S/o Late Meghnath Mistri, Resident of village- Mahuar, P.O.- Ekbalganj, P.S. - Bihta, District- Patna.
5. Motilal Mistri, S/o Late Meghnath Mistri, Resident of village- Mahuar, P.O.- Ekbalganj, P.S. - Bihta, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The Principle Secretary, Department of Revenue and Land Reforms, Government of Bihar, Old Secretariat, Bailey Road, Patna.
3. The Additional Secretary, Department of Revenue and Land Reforms, Government of Bihar, Old Secretariat, Bailey Road, Patna.
4. The Principle Secretary, Backward and Extremely Backward Welfare Department, Bihar, Patna.
5. The Divisional Commissioner, Patna.
6. The District Magistrate cum Collector, Patna.
7. The Deputy Collector Land Reforms, Sadar, Patna.
8. The Deputy Collector Land Reforms, Danapur, Patna.
9. The Sub Divisional Officer, Danapur.
10. The Circle Officer, Bihta, Patna.
11. The District Land Acquisition Officer, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Chitranjan Sinha, Sr. Advocate
	:	Mr. Sanchay Srivastava, Advocate
	:	Mr. Sushant Srivastava, Advocate
	:	Mr. Ashish Kumar Palit, Advocate
	:	Mrs. Sonali Priya, Advocate
	:	Mr. Radha Mohan Pandey, Advocate
For the State	:	Mr. Abbas Haider, SC-6
	:	Mr. Syed Hussain Majeed, AC to SC-6

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL JUDGMENT

Date : 28-07-2026



Heard Mr. Chitranjan Sinha, learned Senior Counsel for the petitioner and Mr. Abbas Haider, learned SC-6 representing the State.

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

“for issuance of an appropriate writ(s), order (s) or direction(s) for setting aside the order contained in Memo No.904 dated 10.02.2023 issued by the Collector, Patna under which without acquisition of the land of these petitioners have directed to transfer 3 acres land of Plot No. 481, khata No. 280, Thana No. 11, Mauza- Mahuar for construction of Girls +2 Residential School whereas the referred land belongs to these petitioners for the last several decades.”

3. The matter relates to a piece of land under Danapur Circle with the following details:

*Mauza-Mahua;
Thana No.11;
Khesara No.280;
Khesara No.481;
Area-3 acres.*

4. The petitioners' claim that the land belongs to them



and the Jamabandi was created in the name of their ancestors in the year 1938 which followed the mutation. In the year, 2013, the Government also issued irrigation parcha in the name of Meghnath Mistri (father of the petitioners).

5. The contention is that though they are/were regularly getting land receipts with regard to the said land but suddenly, on the proposal made by the Sub-Divisional Officer, Danapur, **the Collector, Patna** vide an order bearing **memo no.904 dated 10.02.2023** after recording that no Jamabandi is running in the name of anyone with regard to the land in question passed an order transferring the land to the Backward Classes and Extremely Backward Classes, Welfare Department, Bihar, Patna for the construction of **+2 Residential School (Annexure P/4 to the writ petition)**.

6. Aggrieved, the present writ petition.

7. The further development that took place during the pendency of the writ petition is that simultaneously, on the recommendation made by the Circle Officer, Bihta vide **office letter no.913 dated 31.03.2023**, the **Jamabandi Cancellation Case No.10 of 2023-24 (State vs. Rajeshwari Mistri and Ors.)** was initiated before the **Additional Collector, Patna**.

8. Thereafter, the Additional Collector, Patna came to



the conclusion that the opposite party (petitioners herein) failed to provide the document to support their case and as such, an order came to be passed on 29.03.2025 and their Jamabandi Nos. 155 to 158 were canceled (Annexure-P/14 to the I.A. No.02 of 2025).

9. Learned Senior Counsel for the petitioners submit that when the cancellation of Jamabandi took place on 29.03.2025, how come the Collector, Patna came to the conclusion on 10.02.2023 that no Jamabandi is running in the name of land in question while transferring the land for the construction of +2 Residential School. The submission is that the said order in question of the Collector, Patna is dated **10.02.2023** while the Jamabandi Cancellation took place on **29.03.2025**.

10. He as such submits that patently illegal order has to go.

11. Learned State respondents have come up with the counter affidavit duly signed by the Deputy Collector Land Reforms, Danapur. Paragraph nos. 14 and 15 read as under:

14. That in view of queries made by the Hon'ble Court, it has been observed that the Jamabandi was existing in the name of



petitioners when the order has been issued vide memo no.-904, dated-10.02.2023 by the then Collector, Patna.

There has been delay in sending the proposal by then Circle Officer, Bihta vide letter no.-913, dated-31.03.2023 for the cancellation of the aforesaid Jamabandies which has been created over the Gairmajarua Malik land. Accordingly, the Additional Collector, Patna has initiated the Jamabandi Cancellation Case No.- 10/2023-24 in the matter.

There has been no basis found with regard to the creation of the jamabandis. There has been no interpolation found in the records.

15. That the petitioners should have filed Jamabandi Cancellation Appeal before the Collector, Patna, if aggrieved with the order passed in Jamabandi Cancellation Case No.10/2023-24.”

12. Learned State counsel supports the order in question submitting that though Jamabandi was later found to be running in the names of the ancestors/petitioners herein, the



details are missing inasmuch as no information whatsoever is available under whose order, it was created and as such, the writ petition is fit to be dismissed. He however, concede that the day, when the Collector, Patna recorded his finding in the year 2023 that there is no Jamabandi running in the said land, the Jamabandi was actually running which came to be canceled by the Additional Collector, Patna only on 29.03.2025.

13. Upon query made by the Court as to whether the name of the petitioners/ancestors stand recorded in the register or not, the answer is in affirmative. On further query, whether after it was detected that the entry has been made without any order, any responsibility fixed, appropriate civil/criminal case instituted or not, the answer is in negative.

14. Having heard the parties, this Court has taken note of the facts of the case, the points put forward by the respective parties as also the stand of the State respondents. Two documents of the State respondents are on record, one is the order vide **memo no.904 dated 10.02.2023** passed by the **Collector, Patna** after recording that no Jamabandi is running in the name of anyone, the land was transferred to the Welfare Department, Bihar for the construction of +2 Residential School.



15. Under the nose of the Collector, Patna, thereafter, on the recommendation made by the Circle Officer, Bihta, the Additional, Collector, Patna takes up the **Jamabandi Cancellation Case No. 10 of 2023-24 (State vs. Rajeshwari Mistri and Ors.)** and cancels the Jamabandi on **29.03.2025**.

16. This clearly show that the Collector, Patna was kept in the dark/given wrong information/facts of the case when it was reported that no Jamabandi is running. The fact remains that on the day, the Collector, Patna recorded the said findings, the Jamabandi was running which on the recommendation made by the Circle Office, Bihta (*who gave the wrong information earlier*), the Jamabandi was canceled on 29.03.2025.

17. This Court thus records that the order dated 10.02.2023 passed by the Collector, Patna is an erroneous order and need interference. The **memo no.904 dated 10.02.2023** issued by the office of the Collector, Patna stand quashed.

18. Since the story has now moved ahead and the Jamabandi stand canceled, the parties are free to take recourse to take legal remedy available under the law of the land.

19. This Court has taken note of the averment made in the counter affidavit that the entry in the Register do not bore



the date and the signature of any official. In that background, the Collector, Patna must hold an enquiry into the said Jamabandi created in the names of the ancestors/petitioners and if the enquiry shows that the Jamabandi has not been created properly, responsibility has to be fixed and appropriate civil/criminal case must be instituted as this is not one off case but several such cases have been reported in the district of Patna.

20. The writ petition is disposed of with the aforesaid observation. Pending I.As., if any, also stand disposed of.

(Rajiv Roy, J)

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AFR/NAFR	AFR
CAV DATE	NA
Uploading Date	29.07.2026
Transmission Date	

