

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7173 of 2024

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Arun Kumar S/o Shri Ram Narayan Yadav Resident of Village- Basudeopur,
P.S.- Darbhanga Sadar, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Chief Secretary, Government of Bihar, Patna.
3. The District Magistrate, Darbhanga.
4. The Additional Collector, Darbhanga.
5. The District Land Acquisition Officer, Darbhanga.
6. The Circle Officer Sadar Block, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shivendra Kumar Sinha, Advocate
For the Respondent/s : Md. Zee Shan Kalim, AC to SC -20

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 18-04-2026 Heard Mr. Shivendra Kumar Sinha, learned counsel

for the petitioner and the State.

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

*(i) for issuance of writ in the nature of
certiorari to quash the order dated
02.12.2023 passed by respondent District
Magistrate, Darbhanga in Jamabandi
Cancellation Appeal Case No. 62/2023,
whereby he has dismissed the appeal, acting
beyond jurisdiction and thereby has upheld*



the order passed by respondent Additional Collector, Darbhanga in Jamabandi Cancellation Case No. 16/2022-23;

(ii) for further to hold that the respondent District Magistrate, Darbhanga has got no jurisdiction to criticize and record finding holding judgment and decree passed in suit under section 106 of B.T. Act as a void and illegal judgment, more show when the respondent State Government has not challenged the said decree before any higher forum;

(iii) for further to quash the order dated 05.04.2023 passed by respondent Additional Collector, Darbhanga in Jamabandi Cancellation Case No. 16/2022-23, whereby he has cancelled the Jamabandi no. 1393 created in favour of petitioner for his raiyati land by committing patent illegality ignoring the fact that entry in revisional survey Khatiyani as "Anabad Wihar Sarkar" was already rectified by passing judgment and



decree in properly, instituted suit under section 100 BT Act in case no, 2657/2006;

(iv) for further direction upon the respondent authorities to restore Jamabandi no. 1393 of the petitioner, which was created in his favour for land under Mauja Basudeopur, Thana No. 440 appertaining to Khata no. 2342, Khesra no. 7840 & 7842 having area 10 decimal and 39 decimal respectively;

(v) for further direction upon the respondent District Land Acquisition Officer, Darbhanga to pay compensation for the land of the petitioner, which has been acquired for construction of Civil Enclave and Runway Extension of Darbhanga Airport, for the reason that the aforesaid land is actually raiyati land of the petitioner which has wrongly been shown as "Anabad Bihar Sarkar;

(vi) for any other relief/reliefs for which the petitioner is found entitled in the facts and circumstances of the case



3. A counter affidavit has come on behalf of the respondent nos. 03 to 06 and as per paragraph-4 against the order passed, the petitioner has an option to move before the Divisional Commissioner, Darbhanga Division, Darbhanga by way of revision.

4. In that backtground, the writ petition is disposed of allowing the petitioner to appraoch the concerned respondent, the Divisional Commissioner, Darbhanga Division, Darbhanga in next four weeks who shall be taking up the matter, noticing all the parties including the State Government and vide a reasoned order shall dispose it of at an earliest.

5. In case, the petition is preferred in next four weeks, the Court will have to consider the limitation petition in the backdrop of the fact that the petitioner moved before the Patna High Court where the writ petition is pending.

(Rajiv Roy, J)

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