

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9954 of 2025

Safalta Singh @ Saphalta Singh, W/o. Rakesh Kumar, Resident of Village-
Dumri Buzurg, P.S. Nayagaon, District- Saran, Presently residing at B/78,
Ashokpuri, Khajpura, P.O. BV College, P.S. Shastri Nagar, District- Patna,
Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Revenue and Land Reforms, Govt. of Bihar, Patna.
2. The Additional Chief Secretary, Department of Revenue and Land Reforms, Govt. of Bihar, Patna
3. The Divisional Commissioner, Saran Division, Saran
4. The Collector, Saran, Chapra,
5. The Additional Collector, Saran, Chapra,
6. The Land Reforms Deputy Collector, Sonapur, Saran
7. The Circle Officer, Sonapur, Saran

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Pratik Kumar Sinha, Adv.
For the Respondent/s : Mr. Government Pleader (11)

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-04-2026 Heard Mr. Pratik Kumar Sinha, learned counsel for
the petitioner and Ms. Dimpal Kumari for the State.

2. The present application has been preferred for the
following relief(s):

*(I) To issue a writ of Certiorari
quashing the very initiation of proceedings of
Jamabandi Cancellation Case No. 176/2024-
25 initiated by the respondent no.5,
Additional Collector, Saran at Chapra
against the petitioner vide notice dated*



5/2/2025 with respect to a piece of land measuring to an area of 55,785 decimals equivalent to 15 Kathas, bearing Khata No. 1653, Kheshra No. 94, having Jamabandi No. 3269, Mauza-Dumri Buzurg. Thana No. 22, Circle-Sonpur, District, Saran, Chapra on the ground that it is incompetent and that such notice dated 5/2/2025 does not meet the requirement as prescribed under Section 9 of the Mutation Act, 2011;

(II) To issue a further writ of certiorari quashing and setting aside the order dated 11/3/2025 of the respondent no. 5. Additional Collector, Saran, Chapra, passed in Jamabandi Cancellation Case No. 176/2024-25 by which it cancelled the Jamabandi No. 3269 of the petitioners emanating from Jamabandi No. 2628, in respect to the piece of the land appertaining to Khata No. 1653, Kheshra No. 94, having an area of 55.785 decimals equivalent to 15 Kathas, Mauza-Dumri Buzurg. Thana No. 22, Circle Sonpur, District, Saran, Chapra;

(III) To issue a writ of prohibition upon the respondent authorities, especially to the respondent no. 4, Collector, Saran, Chapra restraining him to take the peaceful possession of the petitioners in regard to the land in question. aforesaid, pursuant to the order dated 11/3/2025 of the respondent no.



5, Additional Collector, Saran, Chapra cancelling the Jamabandi No. 3269 respondent no.5, Additional Collector, Saran, Chapra on the ground that the provision of law by virtue of which the respondent authorities had statutory right to eject the persons from possession of the land has been held to be ultra vires by the Hon'ble Division Bench of this Hon'ble Court in the case of Ramowtar Lakhotia Vs. The State of Bihar and Ors since reported in 2024(3) BLJ 329.

(IV) To issue appropriate writ/writs, order/orders, direction/directions as this Hon'ble Court may deem fit and proper in the attending facts and circumstances of the case to meet the ends of Justice.

3. The petitioner, after some argument, submits that she shall be challenging the order passed by the Additional Collector, Saran at Chhapra in the Jamabandi Cancellation Case No. 176 of 2024-25 (State of Bihar vs. Safalta Singh) before the Collector, Saran at Chhapra and he be allowed to take up all the points including the order passed by a Bench of this Court in the case of Shyam Mohan Shahi vs. State of Bihar disposed of on 18.02.2014.

4. Learned State Counsel submits that once the matter will be taken up by the Collector, Saran at Chhapra, all the



points will be available to the petitioner much less the order in question. The State shall also be providing the documents/ their case/ case laws to support the contention/ rebut the point put forward by the petitioner.

5. Since the parties have agreed to approach the Collector, Saran at Chhapra, the writ petition is disposed of allowing the petitioner to file petition in next four weeks and the Collector, Saran at Chhapra shall be adjudicating the matter in accordance with law after hearing all the parties including the State respondents and pass a reasoned order at an earliest.

6. The writ petition is disposed of with aforesaid observation.

(Rajiv Roy, J)

Vijay Singh/-

U			
---	--	--	--

