IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13457 of 2024

CNR No. BRHC010621892024

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Govind Narayan Singh Son of Late Nageshwar Prasad Singh Resident of Nageshwar Bagh, Gaurakshni Road, P.O. - Buniyadganj, P.S. - Mofassil, District- Gaya, present resident at Palm House, Main Road Ranchi, Ranchi GPO, P.S. Hindpiri, Ranchi, Jharkhand 834001.

... ... Petitioner/s

Versus

1. The State of Bihar through the Collector, District- Gaya.
2. The District Magistrate-cum-Collector, Gaya.
3. The Director of Land Acquisition-cum-Additional Secretary, Department of Revenue and Land Reforms, Government of Bihar at Patna.
4. The Additional Collector, Gaya.
5. The Deputy Collector, Land Reforms, Gaya.
6. The Circle Officer, Manpur, Gaya.

... ... Respondent/s

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Appearance :
For the Petitioner/s : Mr. Jitendra Kishore Verma, Advocate
Mr. Shreyes Goyal, Advocate
Md. Arsam, Advocate
Mr. Akshamh Shekhar, Advocate
For the Respondent/s : Mr. Vijay Kumar, SC-26
Ms. Sushma Kumari, AC to SC-26

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 23-11-2026 Heard Mr. Jitendra Kishore Verma, learned counsel for the petitioner and the State.

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

"i. for issuance of an appropriate writ/order/direction in the nature of certiorari quashing the entire proceeding of Jamabandi Cancellation Case No. 34/2023-24 along with all

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orders passed by the Respondent authorities leading upto its initiation and in pursuance of the same, which has been initiated by the Respondent authorities without any basis in violation of the settled law that a long standing jamabandi cannot be cancelled through a summary proceeding of jamabandi cancellation especially when the ceiling proceeding exempted the lands in favour of family of the petitioner and the state has to approach competent civil court to establish their right to property.

ii. for issuance of an appropriate writ/order/direction in the nature of mandamus directing the Respondent authorities not to disturb the possession of the petitioner which is based on registered sale deed and long standing jamabandi created in favour of the Petitioner save and except under the decree of competent civil court.

iii. for issuance of any other writ/order/direction as the Hon'ble Court may deem fit and appropriate in the facts and circumstances of the case."

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3. The matter relates to a piece of land incorporated in paragraph no. 4 as under:

(i). C S Khata No.- 144;

(ii). C S Khesra No.- 387;

(iii). Survey Thana No.- 316;

(iv). Tauzi No.- 3202;

(v). Area 6.23 acres.

(vi). Village- Nauranga;

(vii). Circle- Manpur;

(viii). District- Gaya Ji.

4. The petitioner's ancestor purchased the said land in the year 1954 and the different rent receipts show that from the year 1957, they have regularly paid rents to the Government.

5. The contention in the writ petition is that since the year 1954, they are having peaceful physical possession of the land in question. However, seven decades later, the Jamabandi Cancellation Case No. 34 of 2023-24 has been initiated by the Additional Collector, Gaya Ji.

6. The contention is that for the last 70 years, the jamabandi is running in the name of the petitioner's family and the state has continuously received rent, no proceeding can be initiated by way of jamabandi cancellation and the only course

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as per the different orders of Hon'ble Apex Court/Patna High Court is to approach the competent Civil Court.

7. Mr. Verma, learned counsel for the petitioner with the help of the documents submit that the present status is that the State of Bihar through the District Magistrate-cum-Collector, Gaya Ji, through the Circle Officer, Manpur, Gaya Ji, have already filed **Title Suit No. 321 of 2025** before the competent Court of Gaya (learned Sub-Judge First, Gaya Ji).

8. Let the same be kept on record

9. Learned Counsel submits that when the respondents have already realized that the only way to retrieve the land is through the competent Civil Court, the continuation of jamabandi cancellation case initiated by the Additional Collector is abuse of the process of law.

10. Learned State counsel, on the other hand, though acknowledges the filing of the Title Suit No. 321 of 2025 submits that only notice was issued in the Jamabandi Cancellation Case and the petitioner ought to have contested the matter.

11. Having heard the parties and perused the records, this Court is of the opinion that when the Jamabandi was created in favour of the petitioner's family seven decades ago and they

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are regularly paying rent since the year 1957 (the rent receipts are on record), the Collector, Gaya Ji, rightly took steps for filing **Title Suit No. 321 of 2025**, as the long-standing Jamabandi cannot be cancelled through summary proceeding when the State itself is a party.

12. This Court is of the view that when a Title Suit has already been preferred, expecting the State to get the matter expedited and the petitioners to cooperate so that the **Title Suit No. 321 of 2025** is taken to its logical conclusion. So far as the **Jamabandi Cancellation Case No. 34 of 2023-24** is concerned, in the aforesaid background, it has become meaningless.

13. Accordingly, **Jamabandi Cancellation Case No. 34 of 2023-24** initiated by the Additional Collector, Gaya Ji is quashed, with direction to the parties to ensure that the **Title Suit No. 321 of 2025** is taken to its logical conclusion at an earliest.

14.The present writ petition is disposed of with the aforesaid observation.

(Rajiv Roy, J)

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