

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16876 of 2022

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Krishna Kumar Goenka Son of Late Kedar Nath Goenka through the Power of Attorney Holder namely Arun Kumar Goenka, resident of Laxmi Bhawan, Munger, P.S.- Town Munger, District- Munger.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
3. The District Magistrate, Jamui, District- Jamui.
4. The Circle Officer, Khaira, P.S. Khaira, District- Jamui.
5. Circle Inspector, Khaira, P.S. Khaira, District- Jamui.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sumeet Kumar Singh, Advocate Mr. Abhilasha Kumari, Advocate
For the Respondent/s	:	Mr. Raj Kishore Roy, GP-18 Mr. Navnit Kumar, AC to GP18

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL JUDGMENT

Date : 18-06-2026

Heard the learned counsel for the parties.

2. The petitioner is aggrieved by the fact that the rent receipts, which were being issued to the petitioner for the last 60 years, were stopped all of a sudden.

3. Learned counsel for the petitioner submits that earlier the two brothers of the petitioner had approached this Hon'ble Court and this Hon'ble Court had very categorically held that the land had a longstanding jamabandi and which was permitted by the State to continue for so long, and thereafter, in



the said case, a notice under Section 3(H) was issued, which was set aside and the Court had categorically held that the only option which was with the State of Bihar was to approach a Civil Court of competent jurisdiction to decide the issue.

4. It has been submitted by the learned counsel for the petitioner that overreaching the previous order passed by this Hon'ble Court and to bypass the said observations made therein, the State of Bihar designed a separate approach and stopped issuing rent receipts in favour of the petitioner, who happens to be the brother of the earlier two petitioners. It has next been submitted that the respondent authorities did not stop there and in fact, during the pendency of the writ application, the Circle Officer had the audacity to recommend for cancellation of jamabandi of the petitioner and the Additional Collector had gone ahead and has initiated a Cancellation Case No.39 of 2023.

5. Having heard the learned counsel for the parties and going through the documents on record, this Court finds that this is yet another case that the State has acted in a very autocratical manner, where they have shown defiance not only to the orders of this Court but have also bypassed the various judicial pronouncements where it has been very categorically held that a longstanding jamabandi cannot be cancelled in



summary proceedings and the only option the State has is to file a civil suit.

6. In the present matter this Court has observed that during the pendency of the writ application the recommendation for cancellation was given and the Additional Collector has gone on to institute a case for cancellation.

7. This is in teeth of the order passed in the case of ***The King vs. Parmanand and Others***, reported in ***AIR (36) 1949 Patna 222***, wherein this Court had observed as under:-

“...It is a cardinal principle that when a matter is pending for decision before a Court of justice nothing should be done which might disturb the free course of justice and this Court will discountenance any attempt on the part of any executive official, however high he may be, to prejudge the merits of a case and to usurp the functions of the Court which has got seisin of the case...”

8. In view of such settled law and finding the present case to be one of those cases where the authorities had exceeded their jurisdiction and acted beyond the same, the action taken by the Circle Officer, Khaira, Jamui, is to be deprecated and the initiation of the Cancellation Case No.39 of 2023 is held to be bad.

9. The Circle Officer, Khair, Jamui, is directed to start



issuing rent receipts in favour of the petitioner with immediate effect.

10. As already observed, if the State is adamant about taking any action against the petitioner the only remedy they have is to go before a competent Civil Court and any action taken apart from the same would be treated as contemptuous.

11. The writ application stands allowed.

(Sourendra Pandey, J)

manoj/-

AFR/NAFR	NAFR
CAV DATE	NA
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