

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20909 of 2025

Prabhunath Singh Son of Late Mahendra Singh, resident of village -Kaituka Lachhi, P.O.- Kaituka Lachhi, P.S.- Amnaur, Anchal- Maker, District- Saran at Chapra- 841460.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Main Secretariat, Patna.
2. The Additional Chief Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
3. The Divisional Commissioner, Saran Division, Chapra.
4. The Collector-cum-District Magistrate, Saran at Chapra.
5. The Additional Collector, Saran at Chapra.
6. The Sub-Divisional Officer, Chapra Sadar, Saran.
7. The Deputy Collector Land Reforms, Chapra Sadar, Saran.
8. The Circle Officer, Maker, Saran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Jeetendra Narayan, Advocate
For the Respondent/s : AC to Standing Counsel (08)

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 12-01-2026 Heard Mr. Jeetendra Narayan, learned counsel appearing on behalf of the petitioner and learned AC to Standing Counsel (08) for the State.

2. The petitioner in paragraph no. 1 of the present writ petition has sought *inter alia* the following relief(s), which is reproduced hereinafter:-

“1. That this is an application for issuance of appropriate writ(s), order(s), direction(s) for quashing the Order dated 27.09.2025 passed in



Jamabandi Cancellation Case No. 313 of 2025-24 (State through Circle Officer, Maker Versus Prabhunath Singh) by the Additional Collector, Saran at Chapra (Respondent No. 5) [Annexure-P-15] whereby and where under the said respondent cancelled the long standing Jamabandi No. 876 of the petitioner which is running in the name of his father namely Mahendra Singh son of Anant Singh relating to subject land pertaining in Khata No. 583, Khesra No. 26, admeasuring in Area of 01 Bigha, 06 Katha 18 dhur and Khesra No. 10 admeasuring in Area of 8 Bigha 01 Katha 12 Dhur situated under Revenue Mauza Kaituka Lachhi, Thana No. 240 in Revenue Circle, Maker in the District of Saran, the order of the respondent no. 5 is beyond the mandate of Hon'ble Court passed in a cases of Ramanandan Singh Vs. The State of Bihar; Jagarnath Jha Vs. the State of Bihar; Nathuni Singh and others Vs. the State of Bihar and others, Bhola Das Vs. State of Bihar; Ramnaresh Roy and others Vs. The State of Bihar and others and Ramowatar Lakhota Vs. The State of Bihar and others as well as resolution of Department of Revenue and Land Reforms, Government of Bihar captioned in Memo No. 925 dated 11.11.2014: and any other writ(s), order(s), direction(s) to which the petitioners which may deem just proper and necessary in view of the facts and circumstances discussed herein under."

3. Brief facts of the case are that the land in question was originally recorded in the Revisional Survey Khatiyan as Gairmazarua Malikan and Jarpesgidaran land under the ex-landlords, namely Kamlapati Banarji and others, Darmiyani Hakdar Sammilat, comprising R.S. Plot No. 10 measuring 8 Bigha 01 Katha 12 Dhur and R.S. Plot No. 26 measuring 01 Bigha 06 Katha 18 Dhur, both under Khata No. 543, the nature of land being recorded as *Partikadin*. The said land was subsequently settled by the ex-landlords of Amnaur Estate, namely Babu Har Madho Prasad Singh and Babu Beni Madho



Prasad Singh, by way of *Patta* in the year 1938 (1346 Fasli) in favour of the petitioner's grandfather, Late Bachu Narayan Singh, along with Mahender Singh, after due verification of possession, pursuant whereunto the settlee remained in peaceful, continuous and uninterrupted possession, paid lagan to the ex-landlords, acquired the status of a *raiyat*, and Jamabandi No. 876 was opened in his name in the *sirista* of the ex-landlords, from whom the petitioner claims succession and lawful title. Learned counsel appearing on behalf of the petitioner submitted that the entire land in question was settled by Ex-landlord by way of *Patta* in favour of Grand father of the petitioner namely Late Bachu Narayan Singh and father of the petitioner namely Late Mahendra Singh in the year 1938 (1346 Fasli) after vesting of Zamindari, Jamabandi No.876 which was opened in the name of Ex-landlords and returns were filed by surviving legal heirs of Late Bachu Narayan Singh and Late Mahendra Singh. The petitioner is the descendant of Late Mahendra Singh and the Jamabandi is still in the name of the father (Late Mahendra Singh) of the petitioner. Learned counsel submitted that in support of the possession of the said land he has brought on record the Gift Deed No.12436 (Annexure-P-7) dated 07.10.1961 in the name of the Governor of Bihar and



subsequent to that the petitioner had also filed CWJC No.8813 of 2025 before this Court for stopping the construction of Panchayat Sarkar Bhawan alleging that the Circle Officer, Maker, Saran has illegally given 'No Objection Certificate' for construction of the said Panchayat Sarkar Bhawan under the some portion of the said piece of land.

4. Mr. Jeetendra Narayan, learned counsel for the petitioner, in the above background, submitted that the Impugned Order dated 27.09.2025, passed by the Additional Collector, Saran, Chapra, on the basis of recommendation of Circle Officer, Maker, Saran, is against the provision of Government Resolution No.925 dated 11.11.2014 and for that reason the petitioner is the rightful owner of the said piece of land, having been devolved after the death of his father Late Mahendar Singh and dispossessing the petitioner from the said piece of land will amount to violation of Article 300(A) of Constitution of India. The action of Additional Collector is also against the Rule 13(11) and Rule 13(12) of the Bihar Land Mutation Rules, 2012 and Section 9(i) of Bihar Land Mutation Act, 2011.

5. *Per contra*, learned counsel appearing on behalf of the State submitted that reasons have been assigned by the



Additional Collector that the genuity of *Patta* is suspicious and there is no illegality in canceling the Jamabandi of the petitioner on the basis of the said *Patta* as the petitioner has not been able to establish his position as intermediary being the occupancy *Raiyat*.

6. Heard the parties.

7. The Bihar Land Mutation Act, 2011 was enacted to make the mutation concomitant with the needs of present time. The act provides for the mutation of all the revenue records/Jamabandi by the owner acquired or have acquired in the interest of the property before or after the year 2011.

8. It is the case of the petitioner that the said land is fallen land within the campus of the petitioner's dwelling house, however, nowhere this information is contained in the present writ petition. The Bihar Land Reforms Act, 1950 gives power to the State Government under Section 7(a) and 7(b) in respect of *Gair Majarua Malik*, while declaring it to be government land and to give due regard for settlement to the intermediary by way of *Hukumnama* by the Ex-landlord. The petitioner has brought on record the *Hukumnama* by way of Annexure-1 to the present writ petition and return filed by the Ex-Zamindar by way of Annexure-P-2 in respect of the said piece of land, which



contains the name of the petitioner's father and his grandfather. Otherwise also, the title of the petitioner can only be questioned by filing Title Suit before the competent Civil Court. The petitioner has given the details of his Jamabandi and holding details, which is in accordance with the provisions of the Bihar Land Mutation Act, 2011 and the entries made therein cannot be washed away merely on the ground that the *Hukumnama* is on a plane piece of paper without giving regard to the return filed by the Ex-Zamindar, which remains the disputed question of facts, needs to be established in accordance with law by the competent Civil Court having jurisdiction.

9. In the above background, the order contained in order dated 27.09.2025 passed in Jamabandi Cancellation Case No.313 of 2025-24 (State through Circle Officer, Maker Versus Prabhunath Singh) by Additional Collector, Saran, Chapra (Respondent no.5) is hereby **set-aside and quashed**.

10. Accordingly, the present application is allowed.

(Purnendu Singh, J)

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