

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18494 of 2023

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Nawal Kishore Prasad S/o- Mahesh Pandit @ Govind Pandit, Resident of
Village- Murkatta, P.O.- Dona, P.S.- Hisua, District- Nawada, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary Government of Bihar, Patna.
2. The Additional Chief Secretary, Department of Revenue and Land Reforms, Bihar, Patna.
3. The Secretary, Department of Revenue and Land Reform, Bihar, Patna.
4. The Divisional Commissioner, Magadh Division, Gaya.
5. The District Magistrate -Cum- Collector, Nawada, District- Nawada.
6. The Additional Collector, Revenue, District Nawada.
7. The Superintendent of Police, Nawada, District - Nawada.
8. The Deputy Collector, Land Reforms, Nawada Sadar District- Nawada.
9. The Sub- Divisional Officer, Nawada Sadar, District - Nawada.
10. The Circle Officer, Hisua, District- Nawada.
11. Surendra Kumar S/o Ramotar Chauhan, R/o - Murkatta, P.S. - Dona, P.S. - Hisua, Distt. - Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Fakhruddin Ali Ahmad, Advocate
For the State	:	Mr. Addl. Advocate General 9
For the resp. no.11	:	Mr. Manoj Kumar Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 27-07-2026 Heard the parties.

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

*“(i) to direct the respondent to
include his Raiyati Land appertaining to
Khata no. 213 Khesra No. 76. Area -0.08
Acre, Jamabandi no. 189/2 situated at*



*Mauza Deohri, Anchal Hisua. Thana no. 86,
Sub Division - Nawada, District-Nawada, In
the online Jamabandi Register (Parimarjan).*

*(ii) to direct the respondent
authorities to hold an inquiry with regard to
manipulation in the Jamabani Register of
the petitioner and to take appropriate action
after fixing responsibility on the erring
person.*

*(iii) to direct the respondent
authorities to dispose of the representation
dated 25-08-2023 filed by petitioner through
registered post.*

*(iv) to grant any other relief-
reliefs for which the petitioner is entitled
under the facts and circumstances of the
instant writ petition.”*

3. A counter affidavit has come on behalf of
respondents and paragraph-8 records as under:

*“8. That the writ petition is
maintainable in its present form, as
the petitioner has wrongly invoked the*



extraordinary under writ jurisdiction Article 226 of Constitution the of India. The grievance raised by the petitioner pertains purely to matters of mutation and Jamabandi correction, which are by statutory governed provisions under the Rules, 2012. It is Bihar Mutation humbly submitted that under Section 13 Mutation Rules, 2012, of the the Bihar petitioner has an adequate alternative remedy to file a petition for cancellation of Jamabandi before the Additional Collector, and also possesses the statutory right of appeal against the order by which the Jamabandi has been created in favour of Surendra Kumar. S/o Ram Avtar Chauhan. It in further submitted and unless that until the Jamabandi the in created name of Surendra Kumar is set aside by the the said competent under authority Rules,



the deponent has no jurisdiction to pass any order contrary to inconsistent with the existing Jamabandi record. It is also pertinent to mention that an additional 8.0 Dec. of land if recorded through the online Parimarjan Portal: however, if this dec additional 8.0 dismil is included along with the land under the proposed Jamabandi, the total area dec. i.e. 10.5 dismil would exceed 08 Dec., thereby surpassing the extent of the original Khatiyani holding. Hence, online updating of Jamabandi for both portions would result in excess area beyond the Khatiyani land, which is impermissible in law.”

4. It is to be noted that when the Jamabandi has already been created in the favour of Mr. Surendra Kumar who was not even made initially the party-respondent, unless a proper petition is preferred before the Additional Collector, Nawada, the respondent, Surendra Kumar is heard, an order is



passed in the Jamabandi cancellation case (if the petitioner proposes to file such petition), no order can be passed.

5. The learned State Counsel submits that if a proper petition is preferred by the petitioner, it shall be taken to its logical conclusion after hearing all the parties, recording the version of the learned State Counsel.

6. Granting liberty to the petitioner to approach the Additional Collector, Nawada, if he so wants, for cancellation of Jamabandi which now stands recorded in favour of Mr. Surendra Kumar, the writ petition stands disposed of.

(Rajiv Roy, J)

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