

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1402 of 2026

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Ambedkar Kumar Dayal @ Ambedkar Paswan S/o Ram Prakash Paswan, R/o Village-Dhabauli, Ward No. 09, P.S.-Lakho, District-Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The Commissioner, Munger.
3. The District Magistrate cum Collector, Begusarai.
4. Additional District Magistrate cum A.D.M., Begusarai.
5. Deputy Collector Land Reforms cum D.C.L.R., Begusarai.
6. The Circle Officer, Begusarai.
7. The S.H.O. Lakho, Begusarai.
8. Deena Mahto, S/o Late Sri Mahto, R/o Village-Sirniya Sub Division and District-Begusarai at present R/o Village-Mauza Dhabauli, P.S.-Lakho Anchal cum Sub Division cum District-Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Manoj Kumar Singh, Advocate Mr.Sunil Kumar Yadav, Advocate
For the Respondent/s	:	Mr.Raghwendra Kumar, Standing Counsel (22) Mr.Rajesh Roy, AC to SC 22

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 31-01-2026 Heard Mr. Manoj Kumar Singh along with Mr. Sunil Kumar Yadav, learned counsels appearing on behalf of the petitioner and Mr. Raghwendra Kumar, learned SC 22 along with Mr. Rajesh Roy, learned AC to SC 22 for the State.

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

“That by way of writ petition the petitioner craves of indulgence of this Hon’ble Court for the issuance of



writ in the nature of mandamus or an appropriate writ order or orders direction & directions commanding the respondents authorities to take appropriate action against private respondent no.8, who is disturbing the petitioner in his peaceful physical possession over the land situated the Mauza Dhabauli Thana No.336 Khata No.376, Kheshra No.299/41 having an area of 0.25 dismil which was obtained through Patta No.35 dated 10.01.1991 issued by the Collectorate and the petitioner further prays for other consequential relief or reliefs for which the petitioner is entitled under the law.”

3. Learned counsel appearing on behalf of the petitioner submitted that the petitioner was allotted 0.25 decimal of land by virtue of Settlement Patta No. 35 dated 10.01.1991, bearing Khata No. 376, Kheshra No. 299/41, situated at Mauza Dhabauli, Thana No. 336. Pursuant thereto, the petitioner came into physical possession of the said land and started cultivating the same and he has got the land mutated in his favour and Jamabandi No.334 has also been created.

4. It is further submitted that subsequently, Respondent No. 8, in connivance with his uncle, started disturbing the peaceful possession of the petitioner and forcibly constructed a hut over the said land. Accordingly, the petitioner filed BLDR Case No. 05/2014, which was allowed in favour of the petitioner vide order dated 06.12.2014 . The said order was challenged by Respondent No. 8 by filing BLDR Appeal No. 04/2015, which was disposed of vide order dated 10.01.2015, whereby the petitioner was held entitled to peaceful possession over the disputed land. Despite the aforesaid orders, Respondent No. 8 continues to disturb the petitioner's



possession. Hence, the present writ petition has been filed.

5. Learned counsel further submitted that in due course of time, the petitioner's right has crystallized. The learned counsel has also relied upon the judgment passed by this Court in ***C.W.J.C. No. 16494 of 2018 (Ramowtar Lakhotia Vs. The State of Bihar & Ors.)***.

6. *Per contra*, learned counsel appearing on behalf of the State submitted that the judgment dated 10.04.2024 passed in C.W.J.C. No. 16494 of 2018 is not of any benefit to the petitioner as the said case is related to *Jamabandi* over which the petitioner / appellant of the said case had claimed their right and title on the basis of the *Khatiyani Raiyat*. The Division Bench had strucked down the impugned Section 9(1) of the Bihar Land Mutation Act, 2011 to the extent it confers power upon the Additional Collector "*to dispossess the person whose Jamabandi has been cancelled and to put in possession the legitimate owner/custodian of such land on such terms as may appear to be fair and equitable*". Learned counsel further submitted that corresponding Rules 13(11) and 13(12) of the Bihar Land Mutation Rules, 2012 has also been held *ultra vires* Article 300A of the Constitution of India, apart from that being beyond the scope & ambit of Entry 45 of List II of Schedule VII. Learned counsel having distinguished the case of the



petitioner in light of the judgment dated 10.04.2024 submitted that the petitioner has remedy before the Collector for claiming his right and relief as sought for.

7. Heard the parties.

8. Having heard the rival submissions, the petitioner has based his argument on the Division Bench judgment of this Court in the case of **Ramowtar Lakhoria** (*supra*). The provision of Section 9(1) of the Bihar Land Mutation Act, 2011 has been held to be *ultra vires*. Section 26 of the Act defines *Jamabandi*. This clarified that the procedure for cancellation of *jamabandi* can only be adopted in such cases where a person is aggrieved in respect of any land over which he has a title. In the present case, the petitioner has got mutated the land in his favour and Jamabandi No.334 has been created.

9. The petitioner has claimed and admitted that the said land was allotted to the petitioner under a welfare scheme providing land to the landless person and at the time of allotment, the petitioner was a landless person.

10. Section 27(3) of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 provides that “*the land settled by the Collector under sub-section (1) shall be heritable but shall not be*



transferable”.

11. I find that it is pre-mature for this Court to enter into the question, as to whether, the petitioner has crystallized their possessory right in view of the admitted position that the the petitioner was landless and under the welfare scheme, he was allotted a piece of land over which he was cultivating. The District Magistrate cum Collector is required to verify, as to whether, the petitioner has no land.

12. The writ application, accordingly, stands disposed of.

(Purnendu Singh, J)

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