

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17623 of 2022

-
-
1. Chandra Kishore Yadav, Son of Late Bhogilal Yadav Resident of Village- Menha, P.O.- Hadipur, P.S.- Bihra, District- Saharsa.
 2. Sanjeev Kumar, Son of Chandra Kishore Yadav Resident of Village- Menha, P.O.- Hadipur, P.S.- Bihra, District- Saharsa.
 3. Amit Kumar, Son of Chandra Kishore Yadav Resident of Village- Menha, P.O.- Hadipur, P.S.- Bihra, District- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Revenue and Land Reforms, Govt. of Bihar, Patna.
2. The Collector-cum-District Magistrate, Saharsa at Saharsa.
3. The Additional Collector, Saharsa at Saharsa.
4. The Deputy Collector, Land Reforms, Sadar, Saharsa at Saharsa.
5. The Circle Officer, Sattar Kataiya, Saharsa.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rudrank Shivam Singh, Advocate
For the Respondent/s : Mr. Sajid Salim Khan, SC-25

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY

ORAL JUDGMENT

Date : 22-06-2026

Heard the learned counsel for the parties.

2. The present writ petition has been filed by the petitioner for following reliefs:-

“The petitioner prays for issuance of a writ of certiorari, seeking quashing of the Notice issued under Section 09 of the Bihar Land Mutation Act, 2011 dated 26.06.2021 on the orders of respondent no. 3 for cancellation of petitioners "Jamabandi" and



further for quashing and setting aside of the consequent Jamabandi Cancellation Case No. 72/21-22 (File No. 1 /2021-22), wherein the 'Jamabandi' of land standing in the name of the petitioners, described as Khata No. 754, Khesra No: 7514 & 7680 admeasuring about 8 acres is sought to be cancelled for the purposes of construction of an old age home over 5 acres and a Gowdown over 2.5 acres of the said land, on the premise that the aforesaid land is "Gair Mazrua Khas" Land.

The petitioners further pray for quashing the letter no. 115-2 dated 06.09.2019 issued under the signatures of respondent no: 3 (Copy of which is not available with the petitioners and on demand of the same from the authorities, was denied by them) which is the basis of the present jamabandi cancellation proceedings against the petitioners.

The petitioners further most humbly pray that the Hon'ble Court may declare that the land in question has been duly settled with the petitioners in accordance with law and the petitioners' right, title, interest and possession over the said land have become absolute for the last three generations as raiyati land since the date of settlement.



The petitioners pray that during the pendency of the present proceedings the respondents be restrained and directed not to proceed with the construction of the Old Age Home and the Gowdown over the land in question, which they have already commenced even though the Jamabandi cancellation proceedings are still to be finalized.”

3. The case of the petitioner is that the land in question is Khata No: 754, Khesra No: 7514 of Mauza Sattar and Thana no: 173 which are recorded in the Record of Rights as Zamindari No:311 which was created after partition in the family in favour of the petitioner in Zamabandi case no: 310/77-78. In this case, the matter relates to the cancellation of Zambandi No: 311 which stands in the name of Bhogilal Yadav. The Respondent no 3, the Additional Collector, vide his letter no: 115-2 dated 06.09.2019 directed the Circle officer, Sattar Kataiya (respondent no:5) to provide land for the construction of an old age home and a gowdan, for which respondent no. 5 proceeded to demarcate the land in question. The respondent no:5 made a recommendation on 24.06.2021 for cancellation of Jamabandi to respondent no: 3. Subsequently, the respondent no: 3 with the recommendation of the respondent no:5 initiated Jamabandi Cancellation Case No:72 of 2021-22 wherein it was



directed for issuance of notices to Raiyats, including the petitioner, under section 9 of the Bihar Land Mutation Act, 2011. It is the further case of the petitioner that the proceeding of Jamabandi Cancellation case no: 72/2021-22 was not concluded and the respondents stacked building material on the land and temporary quarters for labourers have been erected and soil testing has been undertaken. It is the further case of the petitioner that the respondent has forcefully evicted the petitioner from their settled land over which they have absolute and continuous right, title and interest.

4. Leaned Counsel for the petitioner submits that the land is gairmazarua as shown in khatiyani and was vested over eight decades and three generations to the petitioners. It has next been submitted that the impugned action of the respondents is patently illegal, arbitrary and malafidely motivated and is a glaring example of colourable exercise of power. It has further been submitted that the Additional Collector, Saharsa, in his order dated 25.06.2021 has recorded that the said land is settled with the people who were present during inspection, however, he has recorded that the people who were present during inspection have illegally got the Jamabandi created in their favour and therefore he has recommended for the cancellation.



5. Learned counsel for the petitioner submits that as per Bihar Mutation Rules, 2012, a Jamabandi can only be cancelled, if the Government is satisfied that there is sufficient evidence that the Jamabandi has been created in violation of any law or in contravention of an executive instruction.

6. Learned counsel appearing on behalf of the respondent/state submits that the petitioners have claimed over certain portions of old khata number 754, old plot number 7514 out of area 48 acres approximately and old plot number 7680, on the basis of alleged parwangi which is not tenable regarding alleged claim of petitioner. However, the Jamabandi was running in respect of plot no. 7514 in the name of Bhogilal Yadav. It has next been submitted that Bhogilal Yadav in collusion with halka karmchari succeeded to mutate his land without order of any authority. It has further been submitted that the reference of 'aamad vajariye aapsi batwara' Case No. 310/77-78 and not of mutation case. It has lastly been submitted that the claim of the petitioner are not tenable and the then circle officer, Sattar Kataiya has rightly sent the proposal of cancellation of Jamabandi in light of section 9 of Bihar Land Mutation Act, 2011.

7. This Court has noted the fact that the *jamabandi*



created in favour of the petitioner was created way back in the year 1978 and it had continued thereon and the petitioner was also submitting rent for the same, however, without ignoring the settled law, the said cancellation proceeding was initiated.

8. It is a settled law that longstanding *jamabandi* cannot be cancelled.

9. At this juncture, this Court is of the view that the judgment rendered by this Court in the case of ***“Maya Devi & Ors. Vs. The State of Bihar & Ors.***, reported in ***(2014) 3 PLJR, 584*** and also in the case of **State of Bihar through Collector, Siwan vs. Harendra Nath Tiwary** reported in **2015 (1) PLJR 606**, this Court has way back decided that even if the title of the land owner is disputed by the State, the only remedy the State has is to file civil case and not to cancel *jamabandi* in a summary proceeding that too without giving notice.

10. One paragraph of the aforesaid judgment passed in the case of ***Maya Devi (Supra)*** is to be taken note of :-

“The result of these three progressive stages is that if the State wants the petitioners’ lands or the lands on which the petitioners have been residing for last 50 years, they must pay due compensation and take action in accordance with the provisions of the new



Land Acquisition Act. If they intend to cancel the Jamabandi then it is for them to move the Civil Court for a declaration that the alleged settlement and/or Jamabandi is illegal and cannot be accepted and let the title of the State be so declared but till such time the dispute is resolved, the petitioners cannot be evicted by the State in any manner nor can just compensation for acquisition be denied.”

11. In view of the aforesaid, the entire proceeding of Jamabandi Cancellation Case No. 72/21-22 (File No. 1 / 2021-22) is hereby quashed.

12. It is directed that the jamabandi No: 311 be restored. The State, however, shall be at liberty to pursue the matter before an appropriate forum if they are so advised.

13. Accordingly, the writ petition stands allowed.

(Sourendra Pandey, J)

manoj/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.07.2026
Transmission Date	NA

