

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2573 of 2023

1. Gita Devi, Wife of Surendra Chaudhary, Resident of Village Nehaluchak @ Sidheshwarpur, P.S.- Nawada, District- Nawada.
2. Kamla Devi, Wife of Late Suresh Chaudhary, Resident of Village Nehaluchak @ Sidheshwarpur, P.S.- Nawada, District- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Revenue and Land Reforms Department Govt. of Bihar, Patna.
2. The Divisional Commissioner, Gaya, Gaya.
3. The District Collector, Nawada.
4. The Deputy Collector Land Reforms, Nawada.
5. The Superintendent of Police, Nawada.
6. The Circle Officer, Nawada Sadar, Nawada.
7. The SHO Nagar Police Station, Nawada.
8. Girija Chaudhary Son of Baiju Chaudhary Resident of Village- Sidheshwarpur @ Nehaluchak P.S.-Nagar Nawada, District- Nawada.
9. Binod Chaudhary Son of Ramswarup Choudhary Resident of Village- Sidheshwarpur @ Nehaluchak P.S.-Nagar Nawada, District- Nawada.
10. Shrawan Chaudhary Son of Late Amrit Choudhary Resident of Village- Sidheshwarpur @ Nehaluchak P.S.-Nagar Nawada, District- Nawada.
11. Vashudev Choudhary Son of Late Bundi Chaoudhary Resident of Village- Sidheshwarpur @ Nehaluchak P.S.-Nagar Nawada, District- Nawada.
12. Kameshwar Chaudhary Son of Late Bundi Chaudhary Resident of Village- Sidheshwarpur @ Nehaluchak P.S.-Nagar Nawada, District- Nawada.
13. Rajendra Pasi Son of Late Dukhi Pasi Resident of Village- Sidheshwarpur @ Nehaluchak P.S.-Nagar Nawada, District- Nawada.
14. Bachu Pasi Son of Late Pati Pasi Resident of Village- Sidheshwarpur @ Nehaluchak P.S.-Nagar Nawada, District- Nawada.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sanjay Prasad, Advocate



For the Respondent/s : Mr.Raj Kishore Roy (GP18)

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 13-07-2023

Heard learned counsel for the petitioners and learned counsel for the State.

2. The present writ application has been filed for a direction to the respondents to take appropriate legal action against the private respondents who have illegally and forcibly started cultivation over the land of the petitioners without any right, title, or legal possession. Another prayer has been made to cancel the forged *jamabandi* which was illegally created in the name of the private respondents.

3. Learned counsel for the petitioners submits that for cancellation of *jamabandi*, petitioners have filed Jamabandi Cancellation Case No. 07/2014-15 and in the said case, the Additional Collector, Nawada had cancelled Jamabandi Nos. 30/2007, 31, 2007, 32/2007, 34/2007, and 02/2003 which had been created illegally. Subsequently, the Jamabandi Demand No. 24 of 2002 was ordered to be restored. It has also been ordered that the petitioners may apply for the mutation before the Circle Officer, Nawada.



4. Learned counsel for the State submits that the said cancellation of forged jamabandi has been made against the private respondents and in favour of the petitioner. The said relief has already been granted to the petitioner vide order dated 16.08.2018 in Jamabandi Cancellation Case No. 07 of 2014-15 under Section of the Bihar Land Mutation Act, 2011 by the Additional Collector, Nawada and in this view of the matter, no case lies in favour of the petitioner.

5. Upon hearing learned counsel for the parties, it is crystal clear that under Section 9 of the Bihar Land Mutation Act, 2011, the Additional Collector is the competent authority to cancel the jamabandi and he has rightly passed the order in favour of the petitioners. Therefore, again cancellation of the said jamabanid is unnecessary. So far as another prayer for taking legal action against the private respondents who are illegally and forcefully started cultivation is concerned, even then the petitioners won this case in her favour, they have to take other recourse of law available to them.

6. This writ petition stands disposed of with liberty to the petitioners that they may avail the appropriate remedy available to them before the appropriate forum, in accordance with the law, on the basis of the order made in their favour by



the Additional Collector, Nawada.

7. With this liberty the writ petition stands disposed
of.

(Dr. Anshuman, J)

Ashwini/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14.07.2023
Transmission Date	NA

