

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1033 of 2015

=====

Mahfuj Ansari son of Ali Akabar Ansari, resident of village- Khansama Tola, P.S. + P.O. Hathua, District - Gopalganj

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate- cum- Collector, Gopalganj
3. The District Development Commissioner, Gopalganj
4. The Additional Collector, Gopalganj
5. The Sub Divisional officer, Hathwa, Gopalganj
6. The District Panchayat Raj officer, Gopalganj
7. The Executive Engineer, REO (works Division) Gopalganj
8. The Circle Officer, Hathwa, Gopalganj
9. Maharani Durgeshwari Sah wife of Late Gopeshwar Sahi, resident of village - Maharani of Hathwa Raj, P.S. Mirganj, District - Gopalganj
10. 'HR' Properties Pvt. Ltd. a company registered under Companies Act through its Director Dhrub Shankar S/o Late Vishwanath Prasad Narayan Singh resident of Chainpur Kothi Nawal Kishore Road, Kadamkuan, P.S. Kadamkuan, District - Patna

.... Respondent/s

=====

Appearance:

For the Petitioner/s : Mr. Ranjeet Kumar, Advocate

For the Respondent/s : Mr. Avnish Nandan Sinha, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

3 14-07-2015 Mr. Ranjeet Kumar for the petitioner and counsel for the State are present.

The petitioner questions an order dated 17.9.2014 passed by Bihar Land Tribunal in BLT Case No. 714 of 2013 whereby the order of the Additional Collector dated 03.8.2013 rejecting the objection of the respondent no. 9 to the construction of Panchayat Bhawan over Plot No. 244 (part) of Khata No. 178 at village Ratanchak in the district of Gopalganj has been set aside.



The petitioner is Mukhiya of the Gram Panchayat and is aggrieved by the order of the Tribunal inasmuch as the land in question had been transferred to the Panchayat by the State Government for construction of a Panchat Bhawan. There is no dispute that the land in question belongs to the Hathwa Raj and was transferred to the private respondent no. 10. In fact this is an admitted position. The issue is where admittedly the land belongs to the Hathwa Raj whether it could have been transferred by the State Government to the Panchayat for construction of a Panchayat Bhawan merely on ground that a ceiling proceeding is pending against the Hathwa Raj. Perusal of the order impugned manifests that respondent no. 9 had executed a sale deed in favour of the respondent no. 10 who is in possession of the land in question. Perusal of the impugned order also manifests that the land in question never vested in the State Government. In these admitted circumstances, the State Government certainly could not have granted permission for construction of a Panchayat Bhawan for it is an exercise which is hit by Article 300A of the Constitution of India.

In view of the uncontroverted position discussed hereinabove where the land in question admittedly belongs to the respondent nos. 9 and 10 and has neither been acquired by the

State Government nor the ceiling proceedings so initiated has reached its conclusion, no fault can be found in the order passed by the tribunal.

This writ petition is dismissed.

(Jyoti Saran, J)

S.Sb/-

U			
---	--	--	--