

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1278 of 2015

=====

Pramod Sharma @ Pramod Tanti S/o Dukhi Tanti, Resident of Village Chhoti Jhiktia, P.S. mahesh Khunt, District Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Panchayat Raj, Govt. of Bihar, Patna.
2. The Secretary, Panchayat Raj, Govt. of Bihar, Patna.
3. The Director Panchayat Raj, Govt. of Bihar, Patna.
4. The District Magistrate, Khagaria.
5. The Additional Collector, Khagaria, District Khagaria.
6. The Circle Officer, Gogari Anchal, P.S. Mahesh Khunt, District Khagaria.
7. The Jhiktia Gram Panchayat Raj through its Mukhia, Jhiktiya, P.S. Mahesh Khunt, District Khagaria.
8. The Mukhia Gram Panchayat Raj, Jhitktiya, P.S. Mahesh Khunt, District Khagaria.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Suraj Narayan Yadav, Adv.
Mr. Bijay Bhushan Prasad, Adv.
Ms. Vandana Singh, Adv.

For the Respondent Nos.1 to 6 : Mr. Siddarth Shankar Pandey, A.C. to SC-28

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 19-12-2016 Heard the learned counsel appearing on behalf of the petitioner and the learned AC to SC-28, appearing on behalf of the respondent nos. 1 to 6.

The grievance of the petitioner is that though, the lands in question, fully detailed in paragraph no.1 as also paragraph no.5 of the writ petition, belong to him, but the respondent authorities are trying to dispossess him in order to construct a Gram Panchayat Bhawan over the same.

The learned counsel appearing on behalf of the petitioner submits that for redressal of his valid grievances, the petitioner approached the respondent District Collector, Khagaria



by filing different representations including the representations, as contained in Annexure-6 and 10, but his valid grievance has not been redressed till date. Therefore, he prays that an appropriate direction may be issued to the respondent authorities not to dispossess the petitioner from the lands in question.

In the present case, two separate counter-affidavits have been filed, one on behalf of the respondent nos. 2 and 3 and other on behalf of the respondent nos.4 to 6. In the aforesaid counter-affidavits, a plea has been taken on behalf of the respondents that the lands in question has been recorded as “Gairmajarua Khas land” in the revenue record; therefore, it does not belong to the petitioner. It has further been pleaded that the respondent State is not proposing to construct Gram Panchayat Bhawan over the lands in question.

From the pleadings of the parties, it is apparent that there are certain disputed questions of facts, which are yet to be resolved. In the counter affidavits filed on behalf of the respondents, it has not been stated that the lands in question has vested in the State of Bihar though, it has been pleaded that the nature of the lands in question is “Gairmajarua Khas land” and is belonging to the State of Bihar.

In view of the aforesaid controversy, the petitioner is granted liberty to file a fresh comprehensive representation with all supporting documents before the respondent District Collector, Khagaria within a period of one month from today.

If such a comprehensive representation is filed on behalf of the petitioner, then the District Collector, Khagaria either himself or any other competent authority of the respondent State, as per his direction, shall be obliged to consider and decide the



claims of the petitioner with respect to the lands in question by a reasoned and speaking order, after giving an opportunity of hearing to him, besides others, if any, at an early date preferably within a period of three months from the date of filing of such representation by the petitioner.

The parties shall be at liberty to raise all the issues of facts and law, which may be available to them, with respect to the lands in question before the authority concerned.

The writ petition stands finally disposed of with the observations and directions made above.

(Birendra Prasad Verma, J)

BTiwary/-

U			
---	--	--	--

