

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11735 of 2018

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1. Ishwari Prasad Singh s/o Late Kesari Prasad Singh
2. Aravind Kumar Singh s/o Late Baliram Singh
3. Krishna Mohan Singh @ Tunnu Singh
4. Mukund Mohan Singh @ Bhutani Singh, both sons of Late Dinesh Kumar Singh, all resident of Village- Tetararh, P.S. Dehari, District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Panchayati Raj Department, Govt. of Bihar, Patna.
2. District Magistrate, Rohtas at Sasaram.
3. Additional Collector, Rohtas at Sasaram.
4. Circle Officer, Akordi Gola, District Rohtas
5. Executive Engineer, L.A.E.O.W.D- 01, Sasaram, District- Rohtas.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Pandey

For the Respondent/s : Mr. Ajay- GA5

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

3 23-07-2018 Heard both sides.

The petitioners filed this writ petition for a direction to the respondent Nos.1 to 5 not to construct any panchayat building on the land of the petitioner bearing Khata No.224 Khesra No.947.

The learned counsel for the petitioners submits that vide Annexure 1, the District Magistrate selected some lands in different panchayats for construction of panchayat building. The land of the petitioners has been shown at serial no.1 of Khata No.224 of Khesra No.947, area 1 acre. The same land was shown



in the name of Govt. of Bihar. The learned counsel for the petitioners submits that the land belonged to the petitioners. There was a partition suit and in the partition the land fell in the share of the petitioners. In the revisional survey due to mistake, the land was recorded in the name of State of Bihar but the petitioners got it corrected by filing a petition before the Joint Director(Consolidation). Accordingly, Chak No.202(ka) with regard to Plot No.947, area 9.27 acres was prepared in the name of Lakho Kuer. The petitioner filed petition before the Additional Collector(Annexure-6) on 15.05.2018 that the land selected for construction of panchayat building belongs to the petitioners and, therefore, the panchayat building should not be constructed on the land of the petitioner but the Additional Collector sent the matter to the Circle Officer(Annexure 6/1) and the Circle Officer did not clarify the position of the petitioners with regard to the land. It is further submitted that total area of Plot No.947 is 10.71 acres out of which the petitioner owns 9.27 acres, the remaining land belonged to the State of Bihar and the petitioners have got no objection if the panchayat building is constructed on the land of the State of Bihar.

The learned counsel for the State submits that on the petition of the petitioners, the Additional Collector has referred the



matter to the Circle Officer for the needful.

Having considered the facts aforesaid, I dispose of this writ petition with a direction to the Additional Collector and the Circle Officer to get the land of the petitioners measured and only thereafter, construct panchayat building on the land of the State of Bihar and not on the land of the petitioners. In the meantime, the respondents are directed not to make construction on the land of the petitioners till the passing of the final order.

(Prabhat Kumar Jha, J)

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