

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21939 of 2018

Umesh Prasad Jha, Son of Bhola Prasad Jha, Resident of Village- Pachhiyari
Tola, Mohammadpur, Rahua, P.S.- Rosera, District- Samastipur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
3. The Principal Secretary, Panchayat Raj Department, Govt. of Bihar, Patna.
4. The District Magistrate, Samastipur.
5. The Additional Collector, Samastipur.
6. The District Panchayati Raj Officer, Samastipur.
7. The Land Reforms Deputy Collector, Rosera, Samastipur.
8. The Circle Officer, Rosera, Samastipur.
9. The Block Development Officer, Rosera, Samastipur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Saket Gupta
For the Respondent/s : Mr.Md. Khurshid Alam- Aag12

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 31-01-2019 Heard the parties.

Following reliefs have been sought for in paragraph 1(i)
(ii) and (iii) of the present application on behalf of the
petitioner:

“1(i) For issuance of writ in the nature of certiorari for quashing of Memo No. 1526 dated 16.10.2017 as far as it relates to construction of Panchayat Sarkar Bhavan in Rahua Gram Panchayat, Rosera Block, District of Samastipur bearing Thana No. 58, Khata No. 772, Khesra No. 1467, area 2.45 decimals.

(ii) For holding that the respondent authorities cannot construct Panchayat Sarkar Bhavan over the land bearing Thana No. 58, Khata No. 772, Khesra No. 1467, area 2.45



decimals situated in village-Rahua in Rosera Block in the district of Samastipur because the land in question is the ancestral land of the petitioner and his family and the same has been recorded in the Khatian from earlier as well as it has also been recorded in the revisional survey khatian by the orders of the Assistant Settlement Officer passed under Section 106 of the Bihar Tenancy Act.

(iii) For restraining the respondent authorities from making any construction or disturbing the peaceful possession of the petitioner and his family members over the land in question during the pendency of this writ application.”

It has been contended on behalf of the petitioner that the above referred land belongs to the petitioner. Vide Annexure-1 to the present application, an order was passed under section 106 of the Bihar Tenancy Act by the concerned authority in favour of the petitioner. The respondent authorities have proposed to construct a Panchayat Sarkar Bhavan over the land in question vide Annexure-3 to the present application. The petitioner had filed a representation enclosing all relevant documents before the respondent no. 9 (the Block Development Officer, Rosera, Samastipur) but till date no order has been passed on the application/representation filed on behalf of the petitioner.

Considering the above, the petitioner is directed to file a fresh representation before the respondent no. 4 (the District



Magistrate, Samastipur) within 30 days from today enclosing all relevant documents. The respondent no. 4 shall consider the case of the petitioner and pass an appropriate order in accordance with law within a period of three months from the date of filing of such representation/application.

In the meantime, status quo shall be maintained.

With the aforesaid observation/direction, the present writ application stands disposed of.

(Sudhir Singh, J)

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