

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8829 of 2020

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Pankaj Kumar Singh S/o- Balmiki Singh Resident of Village- Mirzapur, P.O.-
Mirzapur, P.S.- Hathua, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Bihar, Patna.
2. The Principal Secretary, Panchayati Raj Department, Bihar, Patna.
3. The Deputy Secretary, Panchayati Raj Department, Bihar Patna.
4. The Commissioner, Saran Division, Saran at Chhapra.
5. The District- Magistrate-cum- Collector, Gopalganj.
6. The District Panchayati Raj Officer, Gopalganj.
7. The Sub- Divisional Officer, Hathua, Gopalganj.
8. The Block- Development Officer, Hathua, Gopalganj.
9. The Circle Officer, Hathua, Gopalganj.
10. The Incharge Police Station, Hathua, Gopalganj.
11. The Panchyat Secretary, Bariraybhan Panchayat, Hathua, Gopalganj.
12. The Mukhiya, Bariraybhan Panchayat, Hathua, Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Dhananjay Kumar Shahi
For the Respondent/s	:	Mr. P. N. Shahi, AAG 6
		Mr. Patanjali Rishi, A.C. to AAG 6

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

**(The proceedings of the Court are being conducted through
Video Conferencing and the Advocates joined the proceedings
through Video Conferencing from their residence.)**

Date : 05-11-2020

Heard the parties.

Petitioner has prayed for following relief:-

“This is an application for issuance of writ of



mandamus or other appropriate writ(s), order(s) and direction(s), against misuse of public money for construction of Panchayat Sarkar Bhawvan upon a piece of land which is private land as land records impart, and the same is being done besides such illegally communicated by the Circle Officer, Hathua, Gopalganj to all other concerned public officers and offices. And, other relief/reliefs for which the petitioner is found entitled to the facts and circumstances of the case.”

This writ petition in nature of PIL has been filed to restrain the district authorities from constructing Panchayat Sarkar Bhawan over a vacant land appertaining to Khata No.03, Khesra No.2037 Thana No.988 measuring 62 decimals in Mauza Mirzapur which has been recorded in Khatian as *gair majarua malik land* and proposal to construct Panchayat Sarkar Bhawvan over said land was accepted by District Panchayati Raj Officer, Gopalganj by his letter dated 27.06.2020 and thereafter fund was released and construction was also started.

It is submitted that villagers protested against said construction as the land was being used as playground and few villagers also claim land as their private land of which jamabandi is running in their name and objections were communicated to District Collector by the Circle Officer, Fathua and other officials and steps were taken for cancellation of



jamabandi and meanwhile representation was filed to stop the construction but no action is being taken upon such representation.

The writ petition is disposed of with liberty to petitioner to file a detailed representation before the respondent no.6, District Panchayati Raj officer, Gopalganj who shall consider the grievances of petitioner within one month from the date of receipt of such representation and pass a speaking order after giving opportunity to all interested parties. However, if any grievance of the petitioner still survives, liberty reserve to him to take recourse to such remedies as are otherwise available in accordance with law.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.11.2020
Transmission Date	NA

