

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1025 of 2021

=====

Dhirendra Prasad Yadav, Son of Ghughal Yadav @ Ghughal Gope, Resident of Village Jankidih, Anchal and P.S. Chanan, District-Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Land Revenue Department, Government of Bihar, Patna.
2. The District Magistrate, Lakhisarai.
3. The District Panchayat Raj Officer, Lakhisarai.
4. The Sub-Divisional Officer, Lakhisarai.
5. The Deputy Collector, Land Reforms, Lakhisarai.
6. The Executive Engineer (Asthaniy Chhetra Abhiyantran, Sangathan), Lakhisarai, District-Lakhisarai.
7. The Anchal Adhikari Chanan, P.S. Chanan, District-Lakhisarai.
8. The Block Development Officer, Chanan, District-Lakhisarai.
9. The Mukhiya, Gram Panchayat-Jankidih, P.S. Chanan, District-Lakhisarai.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Upendra Prasad II
For the Respondent/s : Mr.Lalit Kishore (Ag)

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL JUDGMENT

Date : 28-01-2021

Heard both parties.

This writ petition has been filed by the petitioner for issuance of appropriate writ/order/direction granting following reliefs :-

(i) A *certiorari* for setting aside the order dated 06.04.2018 (Annexure-4) passed by the District Magistrate, Lakhisarai whereby he has been directed for constructing Panchayat Bhawan in Mauza Jankidih in the District of



Lakhisarai over Thana No. 42, Khata No. 255, Plot No. 1278 and Area 1.32 Acres.

(ii) A *certiorari* for setting aside the order/letter dated 31.10.2019 (Annexure-5) passed by the Deputy Collector, Land Reforms, Lakhisarai (Respondent No. 5) whereby recommendation has been made for construction of Panchayat Bhawan in village Jankidih, Thana No. 42, Tauzi No. 348, Khata No. 255, Plot No. 1278 and Area 1.32 Acres.

(iii) A *mandamus* commanding the respondents not to dispossess the petitioner from the land in question.

It is submitted that during pendency of this case, Interlocutory Application No. 01 of 2021, has been filed for adding following reliefs:-

(a) for setting aside the order dated 29.12.2020 contained in Memo No. 809 issued by the Anchal Adhikari, Chanan whereby petitioner has been directed to remove the Bunch (Punj) of paddy from Khata No. 255, Plot No. 1278 (land in question) situated in village Jankidih in the District of Lakhisarai.

From perusal of the record, it appears that vide Memo No. 809 dated 29.12.2020 notice has been issued by Circle Officer, Chanan, Lakhisarai to these petitioners to vacate



the land for construction of Panchayat Bhawan by 03.01.2021 in Mauza Jankidih, Thana No. 42, Khata No. 255, Khesra No. 1278 and Area 1.32 Acres which is *Gairmazarua Aam*.

It is submitted on behalf of the petitioner that land in question situate in village Jankidih, District- Lakhisarai and was settled in favour of Ghulal Yadav @ Ghughal Gope (father of the petitioner) in the year 1942, by the Khaira Estate and in that respect *Parwana* was also issued which is annexed as Annexure-1. It is further submitted that petitioner and his ancestors are in possession over the land in question for more than eighty years. It is further submitted that after settlement of issuance of *Parwana* Jamabandi No. 747 was created in favour of Ghughal Gope (father of the petitioner) and he has been paying rent and getting rent receipt from the State of Bihar. Rent receipts of different dates are annexed with the petition, as Annexure-2 and 3.

This court has not gone into the merit of the case. The petitioner is directed to move before the Circle Officer, Chanan, Lakhisarai and submit his show-cause to the notice issued by him vide Memo No. 809 dated 29.12.2020 within a period of two weeks from today.

In the event such show-cause is filed along with



the copy of this order, the same would be disposed of after hearing all the parties within a further period of eight weeks by a reasoned and speaking order.

Till the final decision, no coercive step shall be taken against the petitioner pursuant to Memo No. 809 dated 29.12.2020 issued by the Circle Officer, Chanan, Lakhisarai.

With the aforesaid observation, this writ petition as well as I.A. No. 1of 2021 are disposed of.

(Prabhat Kumar Singh, J)

vinita/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	30.01.2021
Transmission Date	

