

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1354 of 2022

1. Ramanuj Singh, Son of Jageshwar Singh, Resident of Village-Chhedi Singh Tola, Athmalgola, Police Station-Athmalgola, District-Patna.
2. Md. Khalilullah Mansury, son of Md. Alimuddin, Resident of Village-Mita Singh Tola, Police Station-Athmalgola, District-Patna.
3. Ram Parvesh Singh, son of Late Basdeo Singh, Resident of Village-Rupas Tola Deen Dayal Singh, Police Station-Athmalgola, District-Patna.
4. Bindeshwar Prasad, son of Kauleshwat Das, Resident of Village-Dolatpur Athmalgola, Police Station-Athmalgola, District-Patna.
5. Ramnaresh Prasad, son of Ram Vilash Prasad Singh, Resident of Village-Ganjpar Ram Nagar Kaarari Kachar, Athmalgola, Police Station-Athmalgola, District-Patna.
6. Dilip Kumar Roy, son of Krishna Roy, Resident of Village-Dariyapur Bakhtiyarpur, Police Station-Bakhtiyarpur, District Patna, at present Ganjpar, Police Station-Athmalgola, District-Patna.
7. Janardan Prasad Singh, son of Paramhans Narayan Singh, Sanyukta Niketan Road No. 11, Patna St. Xaviers School, Ashok Nagar, Kankarbagh, Patna, at present Mohan Singh Ke Tola, Police Station-Athmalgola, District Patna.
8. Shatrudhan Prasad Singh, son of Ram Aadhin Rai, Resident of Village-Uzmanpur Athmalgola, Police Station-Athmalgola, District-Patna.
9. Nitesh Kumar son of Dineshwar Ray, Resident of Village-Ganjpar Ram Nagar Karari Kachhar, Police Station-Athmalgola, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, the Department of Rural Development, Govt. of Bihar, Patna.
3. The Principal Secretary, the Department of Revenue and Land Reforms, Govt. of Bihar, Patna.
4. The Principal Secretary, the Department of Urban Development, Govt. of Bihar, Patna.
5. The Principal Secretary, Panchayati Raj, Govt. of Bihar, Patna.
6. The Commissioner, Patna, District-Patna.
7. The District Magistrate, District-Patna.
8. The Deputy Development Commissioner, District-Patna.
9. The Superintendent Engineer, Building Construction Department, Patna Division, Circle, Patna.
10. The Executive Engineer, Patna City, Building Circle, Guljarbagh, Patna.
11. The Sub Divisional Officer, Barh, Patna.
12. The Circle Officer, Block-Athmalgola, District-Patna.



13. The Block Development Officer, Athmalgola, District-Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Jitendra Singh, Sr. Advocate
Mr. Amit Ranjan, Advocate
Mr. Vikram Singh, Advocate
Mr. Anjani Kumar Mishra, Advocate
Mr. Ambarish Bhardwaj, Advocate
For the Respondent/s : Mr. Anjani Kumar, AAG-4

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/ Hon'ble Judges through Video Conferencing from their residential offices/residences. Also, the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

3 11-02-2022

Petitioner has prayed for the following relief(s):-

- (i) For issuance of appropriate writ/order/ direction commanding the Respondents by quashing the notice dated 22.06.2021 inviting objection from the interested persons appertaining to Mauja-Karjan, Thana No.-101, Khatta No. 2017, Khesra No. (Plot) 1513, Area-5 Acre selected for construction of Administrative cum Residential Building of the Athmalgola Block (Renamed Ram Nagar Karari Kachar Panchayat) to its new place written the area of Karjan panchayat Contrary to Gazette notification No. 4857 dated 23.06.1993 under section 3 9) of the Bihar Panchayat Samiti and Bihar Zila Parishad Act, 1961 referred herein after as Act, 1961 due to availability of GAIRMAJARUA MALICK LAND without any consultation/information/consent of the local institutions (local Panchayat/Panchayat Samiti/Zila Parishad) as per the mandate of the Amendment of 73rd of the Constitutional amendment.



- (ii) For issuance of appropriate writ/order/direction commanding Respondents restraining them in shifting of the Primary Health Centre, Athmalgola situated at Ram Nagar Karari, Kachar Panchayat to Karjan Panchayat in the grab of upgradation of said PHC, Athmalgola as CHC (Community Health Centre) Karjan without any constitutional/consent/ information of the local institutions (local Panchayat/Panchayat Samiti/ Zila Parishad) and in contravention of the provision contained in Bihar Panchayat Raj Act, 2006 as well as contrary to mandate of the 73rd constitutional amendment.
- (iii) For issuance of appropriate writ/order/ direction commanding the Respondents to stay their hand for execution of the aforesaid work till the completion of the acquisition of the aforesaid GAIR MAJARUA LAND (already settled with the Raiyats).
- (iv) For any other relief/reliefs their lordships may deem fit and proper in the facts and circumstances of the case.

Learned counsel for the petitioners, under instructions, seeks permission to withdraw the present petition reserving liberty to file a fresh petition, with better particulars, on the same and subsequent cause of action, if so required and desired.

Permission granted with liberty as prayed for.



Liberty also reserved to the petitioners to make a mention for listing of the petition on priority basis. As and when any such mention is made, Registry shall take steps for listing the petition at the earliest.

Instant petition stands disposed of as withdrawn in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Amrendra/PKP

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