

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2220 of 2023

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Shambhu Sharan Singh Son of Late Surya Narayan Singh, Resident of
Village- Balgudar, P.S. and District- Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Minor Irrigation
Department, Govt. of Bihar, Patna.
2. The District Magistrate, Lakhisarai.
3. The Circle Officer, Lakhisarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Mukesh Kumar, Adv.
	:	Mr. Bijay Kumar Pandey, Adv.
For the Respondent/s	:	Mr. Santosh Chandra Bhaskar, AC to GP-11.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 06-07-2023

Heard learned counsel for the petitioner and
learned counsel for the State.

2. The present writ petition has been filed seeking
direction to the respondents not to convert *raiya* land of the
petitioner in the shape of *Pokhar* situated on Tauzi No.3689,
3687, 3901 and 3907 of Khata No.271, Khesra No.884 in
Mauza Chowki.

3. Learned counsel for the petitioner submits that
petitioner is in possession of the land by virtue of settlement
provided to him by the then Jamindar Hari Babu of Khata
No.271, Khesra No.884 and subsequently Jamabandi prepared
in the name of petitioner, thereafter he started paying the rent



receipt. He further submits that in the year 2006-07 jamabandi case was initiated being Jamabandi Cancellation Case No.07 of 2006-07 against the petitioner and others but it was not ended. Subsequently next jamabandi cancellation case was initiated against the petitioner and others being Jamabandi Cancellation Case No.20 of 2014-15 in which show cause was demanded by the petitioner. He also submits that petitioner has appeared in both the cases and filed his show cause, therefore, no order for cancellation was passed. Learned counsel submits that recently the officials started digging on his plot on the ground that it is basically a *Pokhar* under the policy of the Government to maintain the *Pokhar* in its original shape. He further submits that the petitioner has made representation which is annexed as Annexure-6 dated 29.11.2022 before the Collector, Lakhisarai in this matter but no action has taken place.

4. Learned counsel for the State submits that the land of petitioner is basically a *Pokhar* as he himself mentioned in his representation i.e. Annexure-6 that it is part of Digha *Pokhar*. He further submits that the Minor Irrigation Department, Government of Bihar has issued a memo No.2155 dated 02.07.2021 under which renovation of different ponds throughout the Bihar has been started to maintain the water



level. He also submits that saving the pond with a view to maintain the water level is basically a public work at large and it is in the welfare of public. Learned counsel for the State has also annexed Annexure-C in the counter affidavit which is a letter to maintain and prepare Chouki Pond.

5. After going through the documents available on record and the pleadings, this Court is only of the view that opportunity should be granted to the petitioner to listen his grievances in this matter, therefore, the petitioner is directed to file a fresh representation with regard to his land and the District Magistrate, Lakhisarai (respondent no.2) is directed to pass a reasoned and speaking order upon filing fresh representation by the petitioner.

6. The District Magistrate, Lakhisarai shall also take into consideration this aspect that what happened in the case of Jamabandi Cancellation which has been initiated against the petitioner twice, if it has not been ended, then he shall direct that the Jamabandi Cancellation Case shall reach on its conclusive end within the fixed timeline preferably within 6 months from the date of production of this order.

7. This Court is not expressing any view on the merit or de-merit of the case but law is very clear that when



Jamabandi has been created then it shall be cancelled only in accordance with law.

8. With this direction and observation, the present Writ Petition stands disposed off.

(Dr. Anshuman, J.)

Ritik/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

