

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7124 of 2021

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Santosh Kumar Ishwar Son of Late Brahmdeo Ishwar Resident of village-
Sheori, within Manjhaul gram Panchayat, 4, Police station- Chairiya
Bariyarpur, District- Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Begusarai
2. The Chief secretary, Government of Bihar, Patna
3. The Principal Secretary, Public Health Engineering Department,
Government of Bihar, patna
4. The District Magistrate cum Collector, Begusarai
5. The Sub Divisional Officer, Manjhaul Sub Division, Begusarai
6. Gram Panchayati Raj Manjhaul 4, through its Mukhiya, Police Station-
Chairiya bariyarpur, Sub division Manjhaul, District- Begusarai

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Choudhary Shyam Nandan, Advocate
For the Respondent/s : Mr. Bijoy Kumar Sinha, AC to AAG-5

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 28-02-2024 Heard Mr. Choudhary Shyam Nandan, learned

counsel for the petitioner and Mr. Bijoy Kumar Sinha learned

AC to AAG-5.

2. The present writ petition has been preferred for the
issuance of writ/writs, direction/directions, Order/Orders,
Command/Commands and for the issuance of writ commanding
the Respondents not to interfere in peaceful possession of their
land by construction of water Head Tank and Pipe line
channeling for water supply under '*Jal Nal Yojana*' in Manjhaul
-4 Gram Panchayat's village Siwari and other village for
implementation of Jal Nal Yojana under instruction of local
body i.e. Gram Panchayat Manjhaul 4 without either consent



of land holder or acquisition of Land under Land acquisition process.

3. Learned counsel for the petitioner submits that without having any documentary proof of the land having been donated to the government, the construction took place and left with no alternative, the writ petition. He further submits that he has already appeared in the Court and is agitating the matter.

4. A counter affidavit on behalf of amongst other the respondent no. 3, Principal Secretary, Public Health Engineering Department, Govt. of Bihar, Patna is on record duly put on affidavit by the Executive Engineer, P.H. Division, Begusarai and learned counsel for the State has taken this Court to paragraph nos. 7 to 9 which read as follows:

“7. that from the pleading made in the writ application, it appears that the aforesaid land along with other land is subject matter of Title Suit No. 137 of 1994 pending in the Court of learned Sub Judge Vth Begusarai in which the petitioner is defendant no. 22.

8. that it is humbly submitted the ancestors of the petitioner has orally donated the land in question for construction of water tower under Manjhaul-4 Rural Pipe Water Supply Scheme.



9. that for construction of aforesaid Rural Water Supply Scheme, an agreement was entered between Executive Engineer, P.H. Division, Begusarai and one M/s Rama Construction vide Agreement no. 72-01/2009-10.”

5. It is his submission that after oral donation, the work that was undertaken in the year 2009, 12 years later the present petition and as such, the same is fit to be rejected on the ground of delay and laches itself.

6. It is his further submission that a Title Suit No. 137 of 1994 is pending in which the petitioner is also one of the defendant (Defendant no. 22) and it would be appropriate that the said Title Suit is taken to its logical conclusion and only thereafter, the petitioner may have any right, if ultimately, it comes to the conclusion that he owns the land.

7. In that view of the matter, the writ petition stands disposed of granting liberty to the petitioner to pursue the remedy that is pending before the concerned civil Court.

(Rajiv Roy, J)

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