

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4702 of 2022

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Ajay Kumar, son of Late Baidehi Sharan Singh, Resident of Village-Flat No. 9D, Prabhakar Block, Rashmirathi Complex, Chandani Chowk, Kanke Road, P.S. Gonda, District Ranchi, Jharkhand.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The Collector, Gaya.
3. The Deputy Collector, Gaya.
4. The Deputy Collector Land Reforms, Sherghati, Gaya.
5. The Sub-Divisional Officer, Sherghati, Gaya.
6. The Circle Officer, Anchal-Dobhi, Gaya.
7. Ramrati Devi, W/o Parijan Kumar Yadav @ Parijanak Kumar @ Gopal Yadav, resident of Village-Kothwara, P.S. Dobhi, District-Gaya. At present residing at Village and P.S. Dobhi, District-Gaya.
8. Pintu Vishwkarma, S/o Tarkeshwar Vishwakarma, resident of Village-Dhamna, P.S. Dobhi, District Gaya. At present residing at Village and P.S. Dobhi, District Gaya.
9. Saroj Kumari, D/o Ramdev Mahto and W/o Ganga Mahto, resident of Village-Kesapi, P.S. Dobhi, District Gaya. At present residing at Village and P.S. Dobhi, District Gaya.
10. Babita Kumari, D/o Sheo Kumar Yadav, resident of Village-Karmauni, P.S. Dobhi, District Gaya. At present residing at Village and P.S. Dobhi, District Gaya.
11. Pramila Devi, W/o Sarjun Das, resident of Village-Gurua, P.S. Gurua, District Gaya. At present residing at Village and P.S. Dobhi, District Gaya.
12. Sarjun Das, S/o Mahadeo Rabias, resident of Village-Gurua, P.S. Gurua, District Gaya. At present residing at Village and P.S. Dobhi, District Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Amit Shrivastava, Sr.Advocate Mr.Ravi Bhardwaj, Advocate Mr.Girish Pandey, Advocate
For the Respondent/s	:	Mr.Raj Kishore Roy (Gp18)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 12-11-2024 1. The present writ petition has been filed seeking the following relief(s):-



“1(i) To issue appropriate writ(s) / order(s) / direction(s), commanding the respondents to remove the Manrega Bhawan and library, which has been illegally constructed over the land of the petitioner, appertaining to CS Khata no. 71, CS plot no.655, admeasuring 60 decimal (R.S. plot no. 1631, area 56 decimal), behind his back.

(ii) To quash the report of the Circle Officer, Dobhi, issued vide memo no. 1042 dated 23.12.2021, whereby the claim of the petitioner has been rejected on a totally absurd ground.

(iii) To further produce and quash any consequential order, issued in pursuance of memo no. 1042 dated 23.12.2021.

(iv) To further direct the respondent authorities to remove all unauthorized construction made over the land of the petitioner, appertaining to CS Khata no. 71, CS plot 655, area 60 decimal (R.S. Khata no. 179, R.S. plot no. 1631, area 56 decimal)

(v) To further direct that the respondent authorities have wrongly allotted the land of the petitioner to the private respondents on erroneous considerations and be pleased to cancel their parcha.”

2. At the outset, it is submitted by the learned senior counsel for the petitioner that despite an order dated 31.01.2001,



passed by the learned Court of Revenue Officer-cum-Settlement Officer, Gaya in Suit No.5979 of 1998 and regardless of existence of Jamabandi in favor of the petitioner, bearing Jamabandi No.30/5, the petitioner is being sought to be displaced from his raiyati land, over which MNREGA Bhawan and Library have been constructed illegally.

3. At this juncture, the learned counsel for the respondent-State submits by referring to the counter affidavit filed in the present case that recommendation has been made to the Additional Collector, Gaya to initiate proceeding for cancellation of the Jambandi existing in favor of the petitioner.

4. Having regard to the facts and circumstances of the case, I deem it fit and proper to dispose off the present case with an observation that unless and until the Jamabandi existing in favor of the petitioner is cancelled, the petitioner shall not be displaced from the land in question.

(Mohit Kumar Shah, J)

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