

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13475 of 2024

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Rameshwar Prasad Son of Late Ramnath Sah@Ramnath Prasad resident of
Village- Bankitikam, P.S- Madhuban, District- East Champaran at Motihari.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Panchayat Raj, Govt. of Bihar, Patna.
2. District Collector, East Champaran at Motihari.
3. District Panchayat Raj Officer, District East Champaran at Motihari.
4. Sub-Divisional Officer, Sub Division, Pakridayal, District- East Champaran.
5. Anchal Adhikari, Madhuban, P.S and Anchal-Madhuban, District- East Champaran.
6. Mukhia Gram Panchayat Raj, Talimpur, P.S and Anchal- Madhuban, District East Champaran.
7. Executive Engineer, L.E.O Work Division-02, Pakridayal, P.S and Anchal- Pakridayal, District- East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar, Advocate
For the Respondent/s : Mr. Kumar Samarjeet Singh, AC to SC-21

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 10-09-2024

Heard the parties.

2. The petitioner by invoking the jurisdiction of this Court under Article 226 of the Constitution of India seeking a direction upon the State officials not to construct Panchayat Sarkar Bhawan over the *raiya* land of the petitioner, which was acquired through *Patta* (settlement) from ex-landlord in the name of the ancestor of the petitioner.

3. Learned Advocate for the petitioner contended



that the land bearing Survey Plot No.493 under Khata No.127, area 1 Bigha 8 Katha 5 Dhur stands recorded in cadastral record of right as *malik gairmajarua* situated in village – Bankitikam, P.S. & Anchal – Madhuban, in the district of East Champaran. One Raj Kumar Mahesh Nandan Singh was the ex-landlord of Sheohar Raj under old district of Sitamarhi, who settled the land, in question, through *Patta* on 18.09.1948 and 07.09.1949 in the name of Ramnath Sah, who is the father of the petitioner. The said Ramnath Sah died leaving behind four sons, namely, Satyanarayan Sah, Bhagnarayan Sah, Ram Balak Prasad and Rameshwar Prasad (Petitioner), and after the death of Ramnath Sah, all the sons have been coming in possession over the said settled land.

4. Despite the aforementioned facts, the official respondents are bent upon to construct a Panchayat Sarkar Bhawan over the *raiyati* land of the petitioner, without there being any acquisition of the land or consent of the petitioner. The petitioner has also submitted objection before the proposed construction of Panchayat Sarkar Bhawan to the Anchal Adhikari, Madhuban, but till date, neither the verification of the nature of the land and the right and entitlement of the petitioner has been made nor the process of acquisition has been initiated



or compensation has been paid.

5. On the other hand, learned Advocate for the State contended that the matter is required to be verified at the level of the Circle Officer, Madhuban and thus, it would be proper that if the petitioner would approach before the Circle Officer, who will verify the claim of the petitioner and dispose of the same by a reasoned and speaking order.

6. Having considered the nature of the dispute, this Court deems it apt and proper to dispose of the writ petition with a direction to the petitioner to approach before the Circle Officer, Madhuban by filing a fresh representation along with all the documents in support of his claim. If such a representation is filed, preferably within a period of two weeks from today, the Circle Officer, Madhuban shall consider the same and dispose of the representation by a reasoned and speaking order, preferably within a further period of four weeks from today.

7. The writ petition stands disposed of.

(Harish Kumar, J)

durgesh/-

AFR/NAFR	NAFR
CAV DATE	NA
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