

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12553 of 2024

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Lalit Kumar Chaudhary, S/o. Lakshmi Kant Chaudhary, R/o Ward no. 6, Village- Mohanpur, P.O. Shripurhati, Via Bhowara, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Revenue and Land Reforms, Govt. of Bihar, Patna.
2. The Director, Directorate of Land Records and Measurement, Department of Revenue and Land Reforms, Govt. of Bihar, Patna.
3. The District Magistrate, Madhubani.
4. The Circle Officer, Circle- Pandaul, Madhubani
5. The Revenue Officer, Pandaul, Madhubani

... .. Respondent/s

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Appearance :

For the Petitioner/s : Ms. Namrata Mishra, Advocate
Mr. Ratanakar Jha, Advocate
For the Respondent/s : Mr. Sanjay Kumar, AC to GP-17

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT
Date : 22-08-2024

Heard Ms. Namrata Mishra, learned Advocate for the petitioner and Mr. Sanjay Kumar, learned Advocate for the State.

2. The petitioner is aggrieved by the notice, as contained in Memo No. 994 dated 08.07.2024 and Memo No. 1267 dated 24.07.2024, whereby the petitioner has been declared to be encroacher and thus directed to submit his explanation within three days and to vacate the land for construction of “*Panchayat Sarkar Bhawan*”. The petitioner



further seeks a direction to the Circle Officer, Pandaul not to disturb the possession over his Raiyati land situated in Mauza Mohanpur, Thana No.61, Khata No. 307 (Old)/ 627 (New), Khesra No. 1728 (Old) / 1865 (New) measuring an area of 17 decimals and Khesra No. 1728 (Old) / 1866 (New) measuring an area of 2 acres and 75 decimals situated in Panchayat Shripurhati North, District Madhubani over which the petitioner and his family members has been coming in peaceful possession for more than 100 years, having their right, title and possession.

3. Learned Advocate for the petitioner contended that the land, in question, has been coming in the name of Mohan Chaudhary, Bachchelal Chaudhary and Lakshmi Chaudhary, sons of Sitai Khawas, as is evident from Register-II, the copy of which is marked as Annexure-P/2. All the three brothers have paid rent up till 2023-24, the rent receipts have also been brought on record as Annexure-P/3. Despite the continuous possession for the last 100 years, the Government officials have taken a decision to construct a “*Panchayat Sarkar Bhawan*” over the raiyati land of the petitioner, without following any process of law.

4. By the impugned notices, the petitioner has been directed to submit his explanation along with the documents in support of his right, title and possession in relation to land, in



question, within three days. The petitioner along with others have filed a detailed explanation/reply before the Circle Officer, Pandaul and a request has been made to provide some more time to produce the certified copy of settlement/bandobasti, as was done by Darbhanga Maharaj, along with other relevant documents, but they are bent upon to dispossess the petitioner.

5. At this juncture, learned Advocate for the State submits that the petitioner is unable to produce any valid document in support of his right, title and possession over the land in question.

6. Considering the nature of grievance, this Court deems it apt and proper to dispose of the writ petition with a direction to the petitioner to file a detailed representation along with the documents in support of his claim showing the right, title and possession over the land, in question, before the District Magistrate, Madhubani within a period of four weeks from today. In case, such representation is filed, the District Magistrate, Madhubani shall consider the same after giving opportunity of hearing to all the stake holders and pass a reasoned and speaking order preferably within a further period of six weeks, in accordance with law.

7. Till the disposal of the representation of the petitioner, there shall be status quo, qua the land, in question.



8. With the aforesaid observation, the writ petition
stands disposed of.

(Harish Kumar, J)

uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.08.2024
Transmission Date	NA

