

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16139 of 2023

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Surendra Rai @ Surendra Prasad Yadav son of Late Shivnandan Ray, resident of Village-Rampur Phago, P.S.-Saraiya, District-Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Planning and Development Department, Govt. of Bihar, Patna.
2. The District Magistrate cum Collector, Muzaffarpur.
3. The Additional Collector, Muzaffarpur.
4. The Executive Engineer, Asthaniya Khetra, Abhiyantran Sangathan, Karya Pramandal-02, Muzaffarpur.
5. The District Panchayati Raj Officer, Muzaffarpur.
6. The Circle Officer, Block and P.S.-Saraiya, Muzaffarpur.
7. The Block Panchayati Raj Officer, Block and P.S.-Saraiya, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Yugal Kishore, Adv.
For the Respondent/s	:	Mr.Vinay Kirti Singh, GA-2
		Mr.Akhileshwar Singh, AC to GA-2

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 14-05-2024 1. The present writ petition has been filed seeking the following relief(s):-

“1. That this is an application for issuance of writ of Mandamus or an appropriate writ for commanding and directing the respondents to make encroachment free the land of petitioner bearing Khata No.174, Khesra No.540, Area-19 decimal, at Village-Chaksahdani, P.S. Saraiya, P.S. No.500, situated at Gram Panchayat Raj Koluha, District-Muzaffarpur, which has settled to the petitioner on 13.08.1991 by Circle Officer, Saraiya as the petitioner was landless persona



and accordingly, Jamabandi/Mutation has been created in register of govt of Bihar vide mutation no.365 and thereafter the petitioner came in peaceful possession of the land and till now in peaceful position of the land, but without any reason the above stated land has selected for construction of Panchayat Bhawan and accordingly on said land for construction of Panchayat Bhawan building tender has been called for and also for issuance of a writ in the nature of Certiorari for quashing the tender no.03(SBD)/2023-24 in respect of serial no.11 of advertisement i.e. construction of Panchayat Bhawan at Gram Panchayat Koluha, P.S.- Saraiya, Muzaffarpur and also to direct the respondent to not start/do any construction work on above stated land till final disposal of this writ petition.”

2. At the outset, the learned counsel for the respondent-State submits, by referring to the counter affidavit filed in the present case that the respondents are taking steps for the purposes of cancellation of Jamabandi No.365, created in favour of the petitioner and for that purpose, a case bearing Bandobasti Case No.25 of 1991-92 is pending adjudication, hence, status quo, existing as on today, qua the land/house of the petitioner in question, shall be maintained till the



Bandobasti/Jamabandi of the petitioner is cancelled. It is directed accordingly.

3. The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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