

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19334 of 2017

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1. Santosh Kumar Jha Son of Late Ramdeo Jha
 2. Anand Mohan Jha, Son of Late Ram Kripal Jha, both are Resident of Village P.O.- Bhalpatti, P.S. Sadar, District Gaya.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna.
3. District Magistrate, Darbhanga.
4. District Panchayat Raj Officer, Darbhanga.
5. Gram Panchayat, Bhalpatti through its Mukhiya, Bhalpatti, Police Station Sadar, District- Darbhanga
6. Gram Kachahari, Bhalpatti through its Secretary, Gram Kachahari, Bhalpatti, District Darbhanga.
7. Sarpanch, Gram Kachahari, Bhalpatti, Police Station Sadar, District Darbhanga.
8. Shambhu Nath Jha, Son of Late Yaduvir Jha, Resident of Village P.O. Bhalpatti, P.S. Sadar, District Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Jitendra Prasad Singh, Sr. Advocate
		Mr. Varun Krishna Singh, Advocate
For the Respondent/s	:	Mr.Kameshwar Prasad Gupta, GP-10

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-06-2025 Heard Mr. Jitendra Prasad Singh, learned Senior Counsel for the petitioners duly assisted by Mr. Varun Krishna Singh and the State.

2.The present petition has been preferred for the following relief/s:

*(i) for issuance of a writ in the nature
of certiorari quashing the*



order/judgment dated 21.07.2017 passed by the Gram Katchahry, Bhalpatti, District Darbhanga in exercise of power under the Bihar Gram Katchahry Conduct Rules, 2007 in Case No. 07 of 2017 by which petitioners have been restrained from interfering with the possession of the private-respondent no. 8 and further they have been directed not to claim title over the land in question and/or to grant any other relief/reliefs for which the petitioners are legally entitled in the facts and circumstances of the case.

3. It has been informed by the learned counsel for the petitioners that the copy of the counter affidavit has been handed over to him only today in the Court room.

4. A perusal of the counter affidavit would show that it has been filed on 12.10.2018 and the service of copy is rightly not recorded in the notice. As such, the Junior Counsel to Mr. Jitendra Prasad Singh namely Mr. Varun Krishna Singh is entitled to a cost of Rs.500/- to be paid by the office of G.P.-10



and the receipt showing payment shall be filed in the office by Friday i.e. 27.06.2025.

5. The counter affidavit acknowledges that 'Gram Katchahry' had no right to decide the matter but the petitioners have the remedy of appeal under section 112 of the Bihar Panchayat Raj Act, 2006 (henceforth for short 'the Act')

6. Section 112 of 'the Act' relating to the appeal read as follows:

***112. Appeals.** (1) an appeal against any order or decision of a bench of the Gram Katchahry shall be preferred within the period of thirty days after the date of the passing of such order or decision to the full bench of the Gram Katchahry and shall be heard by it in the prescribed manner;*

(2) not less than seven Panches shall form the quorum for the purpose of constituting a full bench for hearing an appeal under sub-section (1);



(3) an appeal against any order or decision of a full bench of the Gram Katchahry shall be preferred within a period of 30 days after the date of the passing of such order or decision to a Sub-Judge in case of civil cases and to a District and Session Judge in case of criminal cases;

(4) the order under challenge in appeal shall be not given effect to till the appeal is finally disposed of in the manner prescribed;

(5) a copy of the order passed by the full bench of Gram Katchahry shall be made available free of cost to the parties within one week from the date of passing of such order in the manner prescribed for this purpose.

7. Learned counsel for the petitioners submit that he shall be preferring an appeal in next four weeks before the Appellate Authority.



8. The counter affidavit clearly shows that the 'Gram Katchahry' had no role to play in the matter deciding the title of the two individuals but since the petitioners are availing remedy of appeal, the same is allowed.

9. The delay in filing the appeal shall be condoned taking into account the fact that the writ petition was pending before this Court.

10. The writ petition stands disposed of.

11. List this case on 30.06.2025 to peruse the receipt showing payment of Rs.500/- to the learned counsel for the petitioners.

(Rajiv Roy, J)

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