

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.454 of 2025

1. Madan Kapri Son of Late Ram Prasad Kapri, Resident of Village- Maratkar, P.S.- Pajwara, District- Banka, Pin-813110.
2. Ujjwal Kumar @ Dablu Kapri Son of Late Jai Prakash Kapri @ Prakash Kapri, Resident of Village- Maratkar, P.S.- Pajwara, District- Banka, Pin-813110.
3. Uttam Kumar Kapri Son of Late Jai Prakash Kapri @ Prakash Kapri, Resident of Village- Maratkar, P.S.- Pajwara, District- Banka, Pin-813110.
4. Brajesh Kumar Son of Surendra Kapri, Resident of Village- Maratkar, P.S.- Pajwara, District- Banka, Pin-813110.
5. Rajesh Kumar Son of Shiv Shankar Kapri, Resident of Village- Maratkar, P.S.- Pajwara, District- Banka, Pin-813110.
6. Avdesh Kumar Son of Shankar Kapri, Resident of Village- Maratkar, P.S.- Pajwara, District- Banka, Pin-813110.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Land Reforms and Revenue Department, Government of Bihar, Patna.
2. The Additional Chief Secretary, Panchayati Raj Department, Government of Bihar, Patna.
3. The Additional Chief Secretary, Land Reforms and Revenue Department Government of Bihar, Patna.
4. The District Magistrate, Banka.
5. The District Panchayat Raj Officer, Banka.
6. The Deputy Commissioner Land Reforms, Banka.
7. The Circle Officer, Barahat, Banka.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Ranjan, Advocate
For the Respondent/s : Mr. AC to GP-14

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 21-01-2025 Heard learned counsel for the petitioners and learned
AC to GP-14 for the State.

2. Learned counsel for the petitioners submits that the
petitioners would be satisfied if the writ application is disposed



of with a direction to the District Magistrate-cum-Collector, Banka to dispose of the representation of the petitioners sent to him by registered post on 04.01.2025 (Annexure-14 series) raising a grievance that Panchayat Sarkar Bhawan is being constructed on the land of the petitioners without acquisition and compensation.

3. Learned counsel for the petitioners next submits that the land pertaining to Khata No. 81, Khesra No. 453, Thana No. 357, Mauza Chadisiya, area 1 acre 89 decimals, Anchal Barahat, District Banka belongs to the petitioners which was settled with their ancestors by a Hukumnama of 1942 given by the ex-landlord. It is further submitted that the ancestors of the petitioners paid rent to the ex-landlord up to 1955 and Jamabandi No. 71 was created and the rent has been paid regularly till date. It is further submitted that the Panchayat Sarkar Bhawan is being constructed on the aforesaid land but then the land has not been acquired nor any compensation has been given and the authorities are coming on the land asking the petitioners to vacate. It is next submitted that as such the petitioners by registered post on 04.01.2025 sent a representation to the District Magistrate-cum-Collector, Banka raising the grievance as raised in the instant writ application.



4. Learned counsel appearing on behalf of the State submits that the State has no objection if the writ application is disposed of with a direction to the District Magistrate-cum-Collector, Banka to consider and dispose of the representation of the petitioners sent by speed post on 04.01.2025 but then it is submitted that it may be the possibility that the office of the District Magistrate-cum-Collector, Banka may not have received the notice sent by the petitioners by speed post on 04.01.2025 on which learned counsel appearing on behalf of the petitioners submits that petitioners will file a fresh representation with all the relevant documents bringing to the notice of the District Magistrate-cum-Collector, Banka that their land is being used for construction of Panchayat Sarkar Bhawan without acquisition and compensation but then submits that the authorities are digging the land for laying the foundation, as such, the authorities be restrained from carrying out any further foundational work on the land in dispute on which learned counsel appearing on behalf of the State submits that whether the authorities have come on the land of the petitioners or not as submitted, can only be asserted by way of a counter affidavit.

5. After hearing the learned counsel for the parties, the writ application is disposed of with a direction to the petitioners



to file a fresh representation with all the relevant documents before the District Magistrate-cum-Collector, Banka on or before 29.01.2025, if any application is filed by the petitioners on or before 29.01.2025 along with a copy of this order in that event the District Magistrate-cum-Collector, Banka shall consider and dispose of the representation by a speaking order in accordance with law within a period of 45 days thereafter.

6. The Court expects that till the representation of the petitioners is not disposed of by the District Magistrate-cum-Collector, Banka within the time stipulated in the order, the authorities will not disturb the petitioners.

(Satyavrat Verma, J)

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