

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2840 of 2025

1. Dhananjay Kumar S/o Late Ram Narayan Singh, resident of Village and P.O.-Byapur, P.S.-Maner, District-Patna.
2. Anil Kumar, S/o Late Lal Babu Singh, resident of Village and P.O.-Byapur, P.S.-Maner, District-Patna.
3. Pappu Kumar, S/o Sri Basudeo Singh, resident of Village and P.O.-Byapur, P.S.-Maner, District-Patna.
4. Jitendra Kumar, Son of Late Rajeswar Prasad Singh, resident of Village and P.O.-Byapur, P.S.-Maner, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
2. The Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna.
3. The Commissioner, Patna Division, Patna.
4. The District Magistrate cum Collector, Patna.
5. The Additional District Magistrate cum Additional Collector, Patna.
6. The Land Reforms Deputy Collector, Danapur, Patna.
7. The Sub-Divisional Officer, Danapur, Patna.
8. The Officer in Charge, Maner Police Station, District-Patna.
9. The Anchal Amin, Maner Anchal, Danapur, Patna.
10. The Halka Karamchari, Gram Panchayat Raj Byapur, Maner, Patna.
11. The Mukhiya, Gram Panchayat Raj Byapur, Maner, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Shambhu Sharan Singh, Adv
For the Respondent/s : Mr. Government Pleader (14)

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-02-2025 Heard Mr. Shambhu Sharan Singh, learned counsel
for the petitioners and learned GP-14 for the State.

2. The present writ petition has been filed for the
following reliefs:



(i) For Direction/order to the State respondent to stop the construction work of Panchayat Sarkar Bhawan on the raiyati land of petitioners forcefully without the concent of petitioner or without any acquisition notice to the petitioner from the Block Development Officer/Anchal Adhikari, Maner, Danapur on the raiyati bearing Mauza-Byapur, Tauzi No.-2825, Thana-Maner, Thana No.-91, Khata No.-211, Khesra No.-787, Area 01 Acre in the nature of settlable Gair Majarua Malik Land which has settled to Baba Brahmdeo Narayan and others, who has executed a Hukumnama and Rent Receipt Malikana was issued in the name of Ancestor whereupon coming in peaceful possession prior to independence with the Pipal, Bargad, Khajoor Tree of Jamidar (Malik) in Khatiyani itself.

(ii) For Direction/Order to the state authorities to take a legal action for land acquisition or take consent if construction is needful for the public interest.

(iii) For the other relief/reliefs as your Lordships may be deem fit and proper.

3. Learned counsel for the petitioners submits that the land in question settled through Hukumnama by the Jamindar and accordingly rent receipt Malikana Rasid executed in favour



of raiyat (ancestors of petitioners) and possession thereof was running since more than 100 years. Learned counsel further submits that the petitioners have come to know that the authorities are going to construct Panchayat Sarkar Bhawan on the raiyati land of the petitioners without consent of the petitioners and without acquisition of the land of the petitioners.

4. Learned counsel for the State, on the other hand, has taken a preliminary objection with regard to maintainability of the present writ petition and submits that the petitioners have not annexed any cheat of paper, which suggests that the State Authority is going to construct the Panchayat Sarkar Bhawan on the so called land of the petitioners.

5. Apart from that learned counsel for the State has relied upon an order of Division Bench of this Hon'ble Court passed in CWJC No. 3282 of 2023 dated 07.04.2023 which is quoted hereinbelow:

“Whether the Panchayat Sarkar Bhawan is constructed at site A or B is an issue best left to the people’s representatives in the local self government institutions as well as the local authorities to decide based on various factors/parameters. Such a decision is essentially a matter of policy.

This Court is, therefore, not



inclined to exercise its discretionary jurisdiction in respect of such policy matters.

The writ petition is misconceived and is accordingly dismissed.”

6. Learned counsel for the State further submits that according to State Government policy, the petitioners have no locus to agitate the issue before this Hon’ble Court.

7. In view of the submissions made by learned counsel for the State as well as order dated 07.04.2023 passed by Division Bench of this Hon’ble Court in CWJC No. 3282 of 2023 and not a single cheat of paper annexed by the petitioners which suggests that construction is to be going on the land of the petitioners.

8. No case is made out for interference by this Court.

9. Accordingly, the writ petition stands dismissed.

(Rajesh Kumar Verma, J)

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