

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3466 of 2025

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Madhvendra Narayan Singh S/o Late Devendra Narayan Singh, R/o Vill-
Dumrikala, P.S.- Majorganj, District-Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Land and Revenue Department, Govt. of Bihar, Patna.
2. The Additional Chief Secretary, Land and Revenue Department, Govt. of Bihar, Patna.
3. The District Magistrate, Sitamarhi.
4. The Additional Collector, Sitamarhi.
5. The Sub-Divisional Magistrate, Sitamarhi.
6. The Circle Officer, Block- Majorganj, District- Sitamarhi.
7. The Block Development Officer, Block- Majorganj, District-Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rajeev Kumar Singh- Sr. Advocate Mr. Gyanendra Kumar Diwakar- Advocate
For the Respondent/s	:	Mr. Addl. Advocate General 04 Mr. AC to AAG-4

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 03-03-2025 1. Heard learned senior counsel for the petitioner and
learned AC to AAG-4 for the State.

2. The learned senior counsel appearing on behalf of
the petitioner submits that the land pertaining to Khata (New)
No.886, Khata (Old) No.319, Khesra (New) No.2974/Khesra
(Old) No.1652-1653, Tauzi No.1081, Thana No.52, area 79
decimals at Mauza- Khairwa, District- Sitamarhi.

3. The learned counsel appearing on behalf of the
petitioner submits that the aforesaid land was purchased by the



father of the petitioner namely, Late Devendra Narayan Singh from Birendra Prasad vide a registered sale deed dated 21.11.1970. It is further submitted that after purchasing the land, the father of the petitioner filed an application seeking mutation of his name over his purchased land. Accordingly, the land was mutated and rent receipts was issued as would manifest from Annexure-1 series to the writ application. It is further submitted that thereafter, the Circle Officer, Majorganj on 06.01.1987 issued Land Possession Certificate in the name of the father of the petitioner as would manifest from Annexure-2 to the writ application.

4. It is submitted that during the course of revisional survey, the land in dispute was recorded in the name of State of Bihar, as such, the father of the petitioner filed an application before the Chakbandi Officer, Sitamarhi for correcting the said mistake. Accordingly, Case No.1495 of 1988 was instituted. It is submitted that Chakbandi Officer rejected the claim of the father of the petitioner by his order dated 02.09.1988 and thereafter, the father of the petitioner filed an appeal in the Court of the Deputy Director, Chakbandi, Sitarmarhi under Section 10(6) of the Bihar Consolidation of Holdings and Prevention of Fragmentation Act, 1956 being Appeal No.117 of 1989. It is



submitted that Appeal No.117 of 1989 was allowed by the Deputy Director Consolidation Sitamarhi after hearing all the parties by an order dated 20.12.1992. It is submitted that after the Chakbandi Appeal was allowed in favour of the father of the petitioner by an order dated 20.12.1992, the father of the petitioner again started paying rent to the State of Bihar. It is submitted that even the State of Bihar started accepting the rent and did not challenge the order passed by the Deputy Director Consolidation, Sitamarhi in Appeal No.117 of 1989, as such, in absence of challenge by the State of Bihar, the order of the Deputy Director Consolidation, Sitamhari attained finality.

5. The learned counsel for the petitioner next submits that all of a sudden, it came to the notice of petitioner that construction of Panchayat Sarkar Bhawan has been started on his land. Accordingly, he made an application before the Circle Officer, Majorganj, Sitamarhi bringing to his notice that the land in dispute is his raiyati land and in absence of acquiring the land, the Panchayat Sarkar Bhawan cannot be constructed. It is also submitted that petitioner also filed a representation before the Circle Officer, Majorganj vide his representation dated 31.01.2025 as would manifest from Annexure- P/4 to the writ application. It is next submitted that petitioner thereafter tried to



submit his representation before the superior authorities including the District Magistrate, but then, the office of the District Magistrate and the Additional District Magistrate did not give any receiving on his representation. It is thus submitted that on the one hand, the Circle Officer, Majorganj is sitting tight over his representation and the Office of the D.M. and the A.D.M. have not given any receiving on the representation of the petitioner and the construction of the Panchayat Sarkar Bhawan is progressing over the land of the petitioner in absence of acquisition.

6. The learned counsel appearing on behalf of the State submits that the case be disposed of with a direction to the petitioner to file a representation before the District Magistrate, Sitamarhi with all the relevant documents showing that the land on which the construction of the Panchayat Sarkar Bhawan is being made is his raiyati land and the same has not been acquired for the said purpose.

7. The learned counsel for the petitioner submits that petitioner will file a representation before the District Magistrate, Sitamarhi bringing on record all the relevant documents relating to the land to show his title and possession over the same and also that Panchayat Sarkar Bhawan is being



constructed over the land in dispute without acquisition.

8. After hearing the learned counsel for the parties, the writ application is disposed of with a liberty to the petitioner to file a representation before the District Magistrate, Sitamarhi on or before 12.03.2025 with all the relevant documents relating to the land in dispute in the writ application.

9. It is made clear that if any representation is filed by the petitioner on or before 12.03.2025, in that event, the District Magistrate, Sitamarhi shall dispose of the same within a period of one month thereafter, after giving an opportunity of hearing to the petitioner. It is further made clear that if any application is filed by the petitioner after 12.03.2025, in that event, the District Magistrate, Sitamarhi shall not be obliged to entertain the same.

10. It is further made clear that if any application is filed by the petitioner on or before 12.03.2025, in that event, the further construction of Panchayat Sarkar Bhawan on the disputed land shall not proceed until and unless the representation of the petitioner is decided by the Collector within the time aforesaid.

(Satyavrat Verma, J)

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