

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3126 of 2025

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Shiva Nand Jha @ Shiva Nanad Jha S/o Late Parmanand Jha, resident of
Ward No. 9, Lohna, PS Bhairavsthan, District Madhubani PIN 847424.

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector Madhubani.
2. The Collector cum District Magistrate, Madhubani.
3. The Sub-divisional Officer, Jhanjharpur, Madhubani.
4. The Circle Officer, Jhanjharpur, Madhubani.
5. Shri Prashant Kumar Jha, S/o not known to the petitioner, presently posted as the Circle Officer, Jhanjharpur, Madhubani.
6. Shri Umar Ali, S/o not known to the petitioner, presently posted as the Halka Karmachari, incharge of Uttari Panchayat Lohna Revenue Circle Jhanjharpur, Madhubani.
7. Shri Ashok Kumar Jha, S/o late Govind Jha, the present Mukhiya, Lohna North Gram Panchayat, Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanat Kumar Mishra
For the Respondent/s : Mr. Government Pleader (24)

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 27-03-2025 1. Heard learned counsel for the petitioner and learned
AC to GP-24.

2. The learned counsel for the petitioner submits that the land in dispute in the instant writ application pertains to CS Khata No.695, Khesra No.1419, area 50 decimal at Mauza- Lohna, District- Madhubani and CS Khata No. 750, Khesra No.1418, area 7 decimal, Mauza- Lohna, District Madhubani. It is further submitted that during revisional survey, Khesra No. 1419 and Khesra No.1418 were re-numbered as Khesra



No.2769 and 1361 respectively. The learned counsel submits that the aforesaid land was purchased by ancestors of the petitioner from the land owner vide registered sale deed no. 4283 dated 01.06.1961. It is next submitted that the land in dispute after purchase formed subject matter of Land Ceiling Case No.42/73-74/15/81-82. It is next submitted that thereafter the lands in dispute were released from the land ceiling proceeding by a notification dated 18.08.1984, issued under Section 11 of the Bihar Land Reforms Act. The learned counsel appearing on behalf of the petitioner next submits that Jamabandi with respect to the land in dispute has been created in the name of Parmanand Jha, father of the petitioner. It is fairly submitted that during revisional survey, Khesra No.1418 which was re-numbered as Khesra No.1361 area 7 decimal has been recorded as Anawad Bihar Sarkar. It is next submitted that the petitioner was completely unaware that land pertaining to Khesra No.1418 during revisional survey was recorded as Anawad Bihar Sarkar, when it was re-numbered as Khesra No.1361. It is next submitted that the authorities are proceeding with construction of Panchayat Sarkar Bhawan over the land in dispute without acquiring and paying compensation to the petitioner. It is further submitted that if the authorities intend to



proceed with the construction of Panchayat Sarkar Bhawan on the land in dispute, in that event, the authorities will have to acquire the land and to pay compensation but without acquiring the land, the Panchayat Sarkar Bhawan cannot be constructed on the raiyati land of the petitioner.

3. At this stage, the learned counsel appearing on behalf of the State submits that it has been specifically submitted by the learned counsel appearing on behalf of the petitioner that the land pertaining to Khesra No.1418 is recorded as Anawad Bihar Sarkar in the revisional survey, when the said Khesra was re-numbered as Khesra No.1361, as such, as of date, the petitioner cannot claim that the said land belongs to him, on which, the learned counsel appearing on behalf of the petitioner submits that the petitioner was not aware that Plot No.1361 has been recorded during the revisional survey as Anawad Bihar Sarkar but then Jamabandi with respect to the said land was created in the name of the father of the petitioner. It is thus submitted that if the land was a government land how Jamabandi was created in the name of the father of the petitioner. It is also submitted that steps in accordance with law would be resorted to for correcting the said infirmity.

4. The learned counsel for the petitioner next submits



that a representation has been filed before the Collector, Madhubani on 30.01.2025 (Annexure-6) for seeking redressal of his grievance, as raised in the instant writ application.

5. The learned counsel appearing on behalf of the State submits that from perusal of the Annexure-P/6 i.e. representation of the petitioner, it would manifest that the same is lacking in essential detail, as such, the petitioner be directed to file a fresh representation before the Collector detailing the facts with regard to the land in dispute, on which, the learned counsel appearing on behalf of the petitioner submits that a fresh representation before the Collector shall be filed on or before 11.04.2025.

6. After hearing the learned counsel for the parties, the writ application is disposed of with a liberty to the petitioner to file a detailed representation before the Collector, Madhubani seeking redressal of his grievance, as raised in the instant writ application on or before 11.04.2025, in the event, if any representation is filed on behalf of the petitioner on or before 11.04.2025, in that event, the Collector, Madhubani shall consider and dispose of the same, in accordance with law, after giving an opportunity of hearing to the petitioner within a period of 45 days from the date of receipt/production of the



representation of the petitioner.

7. It is made clear that if any representation is filed by the petitioner before the Collector, Madhubani on or before 11.04.2025, in that event, further construction of Panchayat Sarkar Bhawan on the land of the petitioner shall remain stayed until the representation of the petitioner is not disposed by the Collector, Madhubani.

(Satyavrat Verma, J)

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