

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4837 of 2025

Uday Kumar Ray S/o Ram Sagar Ray, R/o village- Madhopur Malinia, P.S. - Majorganj, District - Sitamarhi, State- Bihar, Pin Code - 843332.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Revenue and Land Reform Department, Government of Bihar, Patna.
2. The Additional Chief Secretary, Revenue and Land reforms Department, Government of Bihar, Patna.
3. The Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
4. The Secretary, Panchayati Raj Department, Government of Bihar, Patna.
5. The Director, Panchayti Raj Department, Government of Bihar, Patna.
6. The District Magistrate/Collector, Sitamarhi.
7. The District Land Acquisition Officer, Sitamarhi.
8. The Block Development Officer, Majorganj Block, District - Sitamarhi.
9. The Circle Officer, Majorganj, District - Sitamarhi.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Raghvendra Kumar, Advocate
For the Respondent/s : Addl. Advocate General 04

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 09-09-2025 Heard learned counsel for the parties concerned.

2. The petitioner has filed the present writ application directing the respondents to stop the construction of the Panchayat Sarkar Bhawan on the land of the petitioner. The prayer of the petitioner in this writ application is for directing the respondent authorities to pay the compensation to the petitioner under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and



Resettlement Act, 2013.

3. Learned counsel for the petitioner submits that a piece of land situated in Mauja Madhopur, Maliniya having Khata No. -127(old), Khesra No. 54, and measuring 1 Acres 47 Decimal in the District Sitamarhi was recorded in the name of ancestor of the petitioner, namely, late Siri Raut as would be evident from the *Khatian* which is annexed at Annexure P/1. Due to mistake, in the last survey, some part of the land has been recorded in the name of State of Bihar. The part of the land recorded in the name of State of Bihar is in Khesra No. 54 (old), New Khesra No. 119, having in Area 0.45 Decimal & Khesra No. 119/2634 having in Area of 0.50 Decimal. A case was filed by the ancestor of the petitioner before the learned Chakbandi Officer having Case No. 371/1987 who vide order dated 24.12.1987 has given the finding that the name of ancestor of the petitioner was rightly recorded in the *Khatian*. He however, submits that correction in the Revisional Survey has not been done as yet.

4. On the other hand, learned counsel for the State argued that the land in question is recorded in the name of Government of Bihar as per the Revisional Survey *Khatian*. The contention of the petitioner that the land belongs to the



petitioner and his ancestor is completely without any basis. Revisional Survey *Khatiyān* records the name of the Government of Bihar and after lapse of more than 50 years from the last survey, the petitioner has now claiming that the land belongs to him through his ancestor. The Consolidation of Majorganj Circle of Sitamarhi was cancelled vide notification contained in Memo No. 54 dated 19.01.2018 by the State of Bihar in exercise of power under Section 4A of the Bihar Consolidation of Holdings and Prevention of Fragmentation Act, 1956. A careful perusal of Section 4A and the notification dated 19.01.2018 would make it clear that the consolidation hasn't attained its finality. Any Consolidation order passed by the Consolidation Officer, cannot be considered final, as the Consolidation in itself has not attained its finality in Majorganj Circle of Sitamarhi District. The petitioner has filed a title suit being Title Suit No. 339 of 2023 against the State of Bihar and if the petitioner gets the decree for a subject land in a title suit he may claim compensation from the respondent authorities.

5. I have heard learned counsel for the parties and gone through the materials on record, the petitioner is claiming the ownership upon the land on the basis of *Khatiyān*. However, the revisional survey records the name of State of Bihar for the



subject land which is a Pokhar (pond) for the last more than 50 years. The suit has been filed by the petitioner against the State of Bihar which is still pending, accordingly, I find no reason to stop the construction of the Panchayat Sarkar Bhawan on the subject land, however, if the suit is decided in favour of the petitioner, the petitioner shall be at liberty to demand compensation from the concerned respondent authorities in accordance with law.

6. Accordingly, the aforesaid observation is disposed of.

(Anil Kumar Sinha, J)

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