

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3409 of 2025

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1. Kanhaiya Kumar Panday Son of Dinesh Panday, Resident of Village-Dhankutwa, P.S. Baither, District- West Champaran (Bettiah) (Bihar).
 2. Haribansh Kumar Gautam @ Haribansh Gautam, Son of Krishna Kumar Panday, Resident of Village - Dhankutwa, P.S. Baither, District - West Champaran (Bettiah) (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Govt. of Bihar, Old Secretariat, Patna.
2. The Principal Secretary, Panchayati Raj Department, Govt. of Bihar, Old Secretariat, Patna.
3. The Director, Panchayati Raj Department, Govt. of Bihar, Old Secretariat, Patna.
4. The District Magistrate, West Champaran.
5. The Additional Collector, West Champaran.
6. The District Land Reform Deputy Collector, West Champaran.
7. The District Panchayati Raj Officer, West Champaran.
8. The Circle Officer, Sikta, District West Chamapran.
9. The Block Development Officer, Sikta, West Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Akhilesh Kumar Sinha, Advocate
For the Respondent/s : Mr. AC to GP-24

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 27-02-2025 Heard learned counsel for the petitioners and learned
AC to GP-24 for the State.

2. Learned counsel for the petitioners submits that the
land in dispute pertains to Khata No. 394, Khesra No. 2034,
area 2.54 acres at Mauza Dhankutwa, District West Champaran.

3. Learned counsel appearing on behalf of the
petitioners submits that the ancestors of the petitioners vide



registered sale deed dated 08.07.1937 (Annexure-P/1) had purchased 4 Kathas of land pertaining to the aforesaid Khesra No. 2034. It is further submitted that one Jhagru Dusadh had filed rent fixation case which was decided against him holding that the land was purchased by Kailashpati Pandey from Langer Chamar on 01.07.1937 by a registered sale deed, as such, Kailashpati Pandey is in possession of the land and rent receipt should be issued in his favour as would manifest from order dated 16.07.1965 (Annexure-P/2). Further, in a proceeding under Section 144 Cr.P.C., the SDM, West Champaran at Bettiah passed a detailed order dated 21.01.1967 (Annexure-P/3) in Case No. 865 of 1966 in favour of Kailashpati Pandey. Further, in 1965, Jamabandi No. 69 was created in favour of Kailashpati Pandey, the ancestor of the petitioners.

4. Learned counsel for the petitioners submits that on the aforesaid 4 Kathas of land, the authorities have started construction of Panchayat Bhawan without acquiring the land in dispute. It is further submitted that Jamabandi No. 69 till date is standing in the name of Kailashpati Pandey. It is next submitted that petitioners were not aware that on what basis their land is being used for construction of Panchayat Bhawan and on inquiry it came to their notice that an Aam notice was issued by



the Circle Officer, Sikta with respect to the land in dispute recording therein that Gair Majarua Aam Party Kadim and a suspicions Jamabandi No. 69 in the name of Kailashpati Pandey stands recorded.

5. At this stage, learned counsel appearing on behalf of the State submits that since the notice clearly records that Jamabandi No. 69 is a suspicion Jamabandi and the land is Gair Majarua Aam Party Kadim land but then there is no pleading in the writ application rebutting the contents of the said notice dated 18.07.2024 issued by the Circle Officer, Sikta.

6. Learned counsel appearing on behalf of the petitioners at this stage submits that petitioners have also filed a representation dated 15.01.2025 (Annexure-P/5) before the Collector, West Champaran at Bettiah with a prayer to stop the construction of Panchayat Bhawan over their raiyati land.

7. Learned counsel appearing on behalf of the State submits that the writ application can be disposed of with a direction to the Collector, West Champaran at Bettiah to dispose of the representation of the petitioners contained in Annexure-P/5 to the writ application but then submits that it may be a possibility that the representation may not be found in the office of the Collecotor on which learned counsel appearing on behalf



of the petitioners submits that petitioners will file a fresh representation with all the details of the land before the Collector for redressal of their grievance as raised in the instant writ application.

8. After hearing the learned counsel for the parties, the writ application is disposed of with liberty to the petitioners to file a fresh representation before the Collector, West Champaran at Bettiah on or before 04.03.2025 and the Collector is directed that if any representation is filed on behalf of the petitioners on or before 04.03.2025, the same shall be disposed of within a period of one month thereafter after giving an opportunity of hearing to the petitioners.

9. It is made clear that till the representation of the petitioners is not disposed of by the Collector, West Champaran at Bettiah the authorities shall not proceed with the construction of the Panchayat Bhawan on the land in dispute in the instant writ application.

(Satyavrat Verma, J)

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