

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7692 of 2025

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Arjun Das Son of Late Dhanpat Das, Resident of Village and PO- Dumari,
Dumari Khas, P.S- Sono, District- Jamui, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Panchayati Raj Department, Patna, Bihar.
2. The Principal Secretary, Panchayati Raj Department, Patna, Bihar.
3. The District Magistrate, Jamui, District- Jamui.
4. The District Panchayat Raj Officer, District- Jamui.
5. The Executive Engineer, Building Construction Division, Jamui.
6. The Circle Officer, Anchal-Sono, District- Jamui.
7. The Executive Officer (Panchayat Sammati)-cum-Block Panchayati Raj Officer, Block- Sono, District- Jamui.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate
For the Respondent/s : Mr. AC to GP-20

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 13-05-2025 Heard learned counsel for the petitioner and learned
AC to GP-20 for the State.

2. Learned counsel for the petitioner submits that the
land in dispute pertains to Khata No. 96, Khesra No. 1248 and
1249, area 2 acre 11 decimal at Mauja- Lakhankiyari.

3. It is next submitted that the land was awarded to his
father Dhanpat Ravidas on 15.12.1921 by the then Maharaja of
Gidhaur Estate through Patna (Annexure-P/1). It is submitted
that at the time of vesting of the Jamindari, the Jamindar filed
return with regard to the land in favour of Dhanpat Ravidas,



based on which Jamabandi in the name of his father was created and revenue receipts were issued till 2004 (Annexure-P/3). It is submitted that in 2008, the Certificate Officer based on the report of Halka Karmchari had recommended to transfer 0.37 decimal of land for construction of Panchayat Sarkar Bhawan, the petitioner objected, but the objection of the petitioner was not acted upon but then Panchayat Sarkar Bhawan was also not constructed.

4. It is further submitted that in the year 2022, a decision was taken by the Panchayat to construct Panchayat Sarkar Bhawan at village Dumari under Lakhakiyari Panchayat where old building of panchayat is situated and near the site Gairmajarua land is already available there as would manifest from the proceeding of panchayat dated 15.08.2022 (Annexure-P/6). It is next submitted that the Circle Officer vide his letter dated 10.12.2022 (Annexure-P/7) informed the District Panchayat Raj Officer that the land is fit for the construction of the Panchayat Sarkar Bhawan, thereafter Block Panchayat Raj Officer vide his letter dated 07.01.2023 (Annexure-P/8) sent the khatian of the land along with proceeding of the panchayat and certificate of the Circle Officer to the District Panchayat Raj Officer with regard to the land at village Dumari.



5. The learned counsel submits that all of a sudden the decision was changed to construct the Panchayat Sarkar Bhawan from village Dumari to village Lakhakayari and thereafter a notice inviting e-tender dated 09.10.2024 (Annexure-P/9 series) was issued by the Executive Officer, Building Division, Jamui. It is next submitted that the notice inviting tender dated 09.10.2024 is impugned in the instant writ application. It is further submitted that the work order dated 13.01.2025 (Annexure-P/9 series) has also been issued but then construction of the work has started. The learned counsel for the petitioner further submits that the land in dispute is a raiyati land of the petitioner and if the authorities had intended to construct Panchayat Sarkar Bhawan over the land in dispute in that event the authorities could have acquired the land after giving compensation but then the authorities cannot usurp the property of the petitioner in a manner as it has been done. It is also submitted that right to property is not a fundamental right but then is a constitutional right and the same cannot be taken away except in accordance with the procedures established by law.

6. It is next submitted that petitioner accordingly submitted his objection vide his representation dated 10.03.2025



(Annexure-P/10) before the Circle Officer on the ground that the land on which Panchayat Sarkar Bhawan is to be constructed is his raiyati land settled in favour of the his ancestor Dhanpat Ravidas by then Maharaja of Ghidhaur Estate by through Patna not then no action till date has been taken.

7. Learned counsel for the State submits that the writ petitioner can be disposed of with the liberty to the petitioner to file a fresh application before the District Magistrate, Jamui annexing all the relevant documents relating to the land to establish his title and possession over the same on which the learned counsel for the petitioner submits that a fresh representation before the Collector, Jamui shall be submitted on or before 23.05.2025 annexing all the relevant documents relating to the land.

8. After hearing the learned counsel for the parties, the writ petition is disposed of with the liberty to the petitioner to file a detailed representation before the District Magistrate, Jamui on or before 23.05.2025 annexing all the relevant documents relating to the land in dispute to establish his title and possession, in the event if any representation is filed by the petitioner or on before 23.05.2025 before the Collector, Jamui in that event the Collector, Jamui shall dispose it of within a period



of 2 months thereafter after giving an opportunity of hearing to the petitioner in accordance with law. It is made clear that till the representation of the petitioner is not disposed of by the Collector, Jamui till then the work order dated 13.01.2025 (Annexure-P/9 series) issued in pursuance of tender dated 09.10.2024 issued by the Executive Engineer, Building Division, Jamui shall remain stayed. It is further made clear that if no representation is filed by the petitioner on or before 23.05.2025, in that event, the order of stay shall automatically stand vacated.

(Satyavrat Verma, J)

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