

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7615 of 2025

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Rana Ranjit Son of Sri Rabindra Chaudhary, resident of village- Shiv Rampur,
P.O. - Minapur Rai, P.S. - Hajipur Sadar, District - Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
2. The Additional Chief Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
3. The Collector, Vaishali.
4. The Deputy Collector, Land Reforms, Hajipur, District- Vaishali.
5. The Circle Officer, Hajipur, District- Vaishali.
6. The Panchayati Raj Officer, Hajipur, District- Vaishali.
7. The Consolidation Officer (Chakbandi Padadhikari), Hajipur, District- Vaishali.
8. The Mukhiya, Panchayati Raj, Mahua, Hajipur, District- Vaishali.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Neeraj Kumar, Advocate
For the Respondent/s : Mr. AC to GP-17

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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-17 for the State.

2. Learned counsel for the petitioner submits that the land in dispute pertains to Thana No. 42, Khata No. 1, Plot No. 450 (old Plot No. 273), Area 1 acre 20 decimal, Mauja- Shiv Rampur (Shri Rampur). Learned counsel submits that the land in dispute was settled by ex-landlord Babu Parmeshwar Prasad since in favour of the Awadh Chaudhary in the year 1935 as would manifest from the settlement made by the landlord,



annexed as Annexure-P/1 to the writ application.

3. It is next submitted that Awadh Chaudhary was ancestor of the petitioner. It is further submitted that Miscellaneous Case No. 01 of 1985 was instituted in the court of the Chakbandi Officer, Hajipur by Awadh Chaudhary on the ground that the land in the revenue survey has been wrongly recorded in the name of State of Bihar. In the said case Circle Officer appeared and took a stand that the land belongs to Awadh Chaudhary, accordingly Miscellaneous Case No. 01 of 1985 was decided in favour of the Awadh Chaudhary by an order dated 18.12.1985 (Annexure-P/3), passed by the Consolidation Officer. The learned counsel next submits that thereafter a Bhoodan Case No. 01 of 1995-96 was instituted in the Court of DCLR, the DLCR vide his order dated 07.09.1997 in Bhoodan Case No. 1 of 1995-96 held that the land belongs to the petitioner's ancestor. Learned counsel for the petitioner submits that despite their being two orders first in miscellaneous case no. 01 of 1985 and thereafter in Bhoodan Case No. 01 of 1995-96 in favour of the petitioner's ancestor still the authorities are going to construct Panchayat Sarkar Bhawan over the land in dispute on the ground that the land in *gairmajarua*. Learned counsel for the petitioner submits that petitioner represented



before the District Magistrate, Vaishali at Hajipur by his representation dated 28.01.2025 (Annexure-P/6) but then no action was taken. The learned counsel appearing on behalf of the petitioner submits that right to property is not a fundamental right but then is a constitutional right and the constitutional right cannot be taken away except in accordance with the procedure established by law. It is further submitted that when two authorities in two different cases came to a considered conclusion that the land in dispute belongs to the ancestors of the petitioner then on what basis the authorities are proceeding to construct Panchayat Sarkar Bhawan over the land in dispute. It is further submitted that the petitioner has been running from the pillar to post but then as usual the authorities are not bothered. It is also submitted that a representation has been filed before the District Magistrate, Vaishali at Hajipur on 28.01.2025 (Annexure-P/6) but no action till date has been taken. The Learned counsel for the petitioner next submits that the specific pleading has been made in the writ application that trees over the land are being cut by the authorities for the purposes of construction of Panchayat Sarkar Bhawan. It is also submitted that the land is raiyati and the State cannot construct Panchayat Sarkar Bhawan over the land of the petitioner without acquiring



the same.

4. Learned counsel for the State submits that no-doubt in the writ application it has been pleaded that the petitioner had sent a representation to the Collector by speed post but then there might be a possibility that the representation may not be located in the office of the Collector, Vaishali at Hajipur as such the petitioner can be given liberty to file a fresh representation on which the learned counsel for the petitioner submits that the petitioner will file an representation before the Collector, Vaishali at Hajipur on or before 27.05.2025 annexing all the relevant documents relating to the land in dispute to show that the petitioner has title and possession over the same.

5. After hearing the learned counsel for the parties, the writ application is disposed of with a liberty to the petitioner to file a fresh representation the Collector, Vaishali at Hajipur on or before 27.05.2025 annexing all the relevant documents relating to the land in dispute, in the event if any application is filed by the petitioner before the Collector, Vaishali at Hajipur on or before 27.05.2025 in that event, the Collector, Vaishali at Hajipur shall dispose of the same after giving an opportunity of hearing to the petitioner within a period of two months thereafter in accordance with law.



6. It is made clear that till the representation of the petitioner is not considered and disposed of by the Collector Vaishali at Hajipur till then status quo as existing as on date shall be maintained. It is further made clear that if no representation is filed by the petitioner on or before 27.05.2025 before the Collector, Vaishali at Hajipur in that event the order of status quo shall automatically stand vacated.

(Satyavrat Verma, J)

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