

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10146 of 2025

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Pawan Kumar Pappu Son of Late Tarkeshwar Yadav @ Late Takeshwar Yadav, Resident of Village- Bailyamhara, Police Station and District- Banka.

... .. Petitioner/s

Versus

1. The State of Bihar through its Additional Chief Secretary, Department of Revenue and Land Reforms, Bihar, Patna.
2. Secretary, Panchayati Raj, Bihar, Patna.
3. Director, Panchayati Raj, Bihar, Patna.
4. District Magistrate-cum-Collector, Banka.
5. Additional District Magistrate-cum-Additional Collector, Revenue, Banka.
6. Panchayati Raj Officer, Banka.
7. Sub Divisional Officer, Banka.
8. Block Panchayati Raj Officer, Banka.
9. Circle Officer, Banka.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Pandey
For the Respondent/s : AC to GP-11

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 08-07-2025 1. Heard learned counsel for the petitioner and learned AC to GP-11.

2. The learned counsel appearing on behalf of the petitioner submits that the land in dispute pertains to Khata No. 94, Khesra No. 2504, Tauzi No. 445, Area 3.91 acres at Mauza-South Kateli, Block- Banka and District- Banka. It is submitted that the land was settled by the then landlord Sri Thakur Rudneshwari Prasad Singh, Raj Kakwara with some other land in name of one Gulabi Mahto, thereafter, Gulabi Mahto came in



possession over the land in dispute. At the time of vesting of *Zamindari*, the *Zamindar* filed returns with respect to the land in dispute in the name of Gulabi Mahto, as would manifest from Annexure- P/1 to the writ application. It is submitted that after the death of Gulabi Mahto, his sons mutually partitioned the properties of Late Gulabi Mahto and the land in dispute came in share of petitioner's father and after his death, Jamabandi No. 114 was created in the name of Kaushalya Devi, i.e. mother of the petitioner. It is submitted that a Tender Inviting Notice bearing No. 07/SBD/2023-24 was published under the signature of respondent Executive Engineer on 15.03.2024 inviting bids for construction of Panchayat Sarkar Bhawan in different Panchayats in the district of Banka including South Kateli Panchayat. It is submitted that petitioner came to know that the land in dispute has been earmarked for construction of Panchayat Sarkar Bhawan, accordingly, the petitioner immediately represented before the District Magistrate, Banka on 10.03.2025 (Annexure- P/9) along with his other co-sharers annexing all the relevant documents relating to the land to demonstrate that the land is his raiyati land. It is also submitted that a representation was submitted to the District Panchayat Raj Officer, Banka who accordingly issued Memo No. 674/Pan.



dated 21.03.2025 (Annexure- P/10) directing the Circle Officer, Banka to submit a report after carrying out spot verification along with Block Panchayati Raj Officer with respect to the land in dispute, within two days. It is submitted that till date the said report has not been submitted by the Circle Officer.

3. It is next submitted by the learned counsel appearing on behalf of the petitioner that Jamabandi with respect to the land is still in existence and the same has not been cancelled, but still the authorities have come on the land of the petitioner and started construction of Panchayat Sarkar Bhawan and the construction has been completed upto plinth level. It is submitted that though the said fact has not been pleaded in the writ application, as at the time of filing of the writ application, the authorities had only come on the land, but it was only after filing of the instant writ application that construction of Panchayat Sarkar Bhawan started and the work upto plinth level has been completed.

4. The learned counsel appearing on behalf of the State submits that the writ application can be disposed of with a liberty to the petitioner to file a fresh representation before the District Magistrate, Banka annexing all the relevant documents relating to the land establishing that the land is raiyati and the



Jamabandi is still in existence, on which the learned counsel appearing on behalf of the petitioner submits that fresh representation before the District Magistrate, Banka shall be filed by the petitioner annexing all the relevant documents relating to the land establishing his raiyati rights over the same on or before 16.07.2025.

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 annexing all the relevant documents relating to the land in dispute in the instant writ application before the District Magistrate, Banka on or before 16.07.2025, in the event if any representation is filed by the petitioner before the District Magistrate, Banka on or before 16.07.2025, in that event the District Magistrate, Banka shall consider and dispose of the same within a period of two months thereafter in accordance with law, after giving proper opportunity of hearing to all concerned.

6. It is made clear that if no representation is filed by the petitioner before the District Magistrate, Banka on or before 16.07.2025 in that event it will be completely at the discretion of the District Magistrate, Banka to decide the application as per his/her convenience.



7. It is further made clear that the construction of Panchayat Sarkar Bhawan on the land in dispute in the instant writ application, **shall remain stayed** till 16.07.2025, thereafter, it will be at the discretion of the District Magistrate, Banka to extend or not to extend the period of stay, but then the application has to be decided in accordance with law within a period of two months thereafter.

(Satyavrat Verma, J)

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