

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11487 of 2025

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Gajendra Narayan Ray Son of Late Sitaram Ray, Resident of Ward No. 02,
Sakarpura, Shankarpur, P.S.- Hasanpur, District- Samastipur.

... .. Petitioner

Versus

1. The State of Bihar through the Additional Chief Secretary, Revenue and Land Reforms, Government of Bihar, Patna.
2. The Additional Chief Secretary, Panchayati Raj Department, Government of Bihar, Patna.
3. The District Magistrate-cum-Collector, Samastipur.
4. The District Panchayati Raj Officer, Samastipur.
5. The Sub - Divisional Officer, Rosera, Samastipur.
6. The Deputy Collector, Land Reforms, Rosera, Samastipur.
7. The Circle Officer, Hasanpur, Samastipur.

... .. Respondents

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Appearance :

For the Petitioner	:	Ms. Sushmita Sharma, Advocate
For the Respondents	:	Mr. Ajay Behari Sinha, GA-8
		Ms. Seema Ghazala, AC to GA-8

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

2 22-07-2025 Heard Ms. Sushmita Sharma, learned counsel

appearing on behalf of the petitioner and Ms. Seema Ghazala,

AC to GA-8 appearing on behalf of the respondent-State.

2. With the consent of the parties this writ
application is disposed of at the stage of admission itself.

3. The present writ application has been filed for
the following reliefs:

*“(i) For restraining the respondents from constructing
the Panchayat Sarkar Bhawan over the land pertaining
to Khata No. 651, Plot No. 2058, situated in Thana No.*



159, Anchal: Hasanpur, Mauza - Sakarpura, District -Samastipur which is recorded as a 'Rasta' in the revenue records and over which the PWD road passes.

(ii) For restraining the respondents from obstructing the ingress and exit of the petitioner from his land pertaining to Khata No. 469, Plot No. 2191 admeasuring 10 Katha, situated in Thana No. 159, Anchal Hasanpur, Mauza Sakarpura, District Samastipur which is adjacent to the plot over which the Panchayat Sarkar Bhawan is being constructed and after such construction, the land of the petitioner shall become useless as there will remain no ingress and exit from the same.

(iii) For a declaration that even though the construction of the Panchayat Sarkar Bhawan is a policy matter, and ordinarily the Hon'ble Court might not interfere by invoking its extraordinary Jurisdiction under Article 226 of the Constitution of India, however the same cannot be constructed over any road which is recorded as 'Rasta' in the revenue records as also shown as Road in the Village Map and any such construction is illegal in view of the Judgment/order dated 18.03.2004 passed by the Hon'ble Patna High Court in C.W.J.C. No. 3298 of 2004 and other similar cases.

(iv) For a direction upon the respondents to immediately stop further construction over the land in question which is a road and further to remove all construction already made along with all building material from the road in question.

(v) For stay of construction of the Panchayat Sarkar Bhawan over the land in question, till the final disposal of the instant writ application.

(vi) For the grant of any other relief for which the petitioner is found entitle to in the facts and circumstances of the present case.”



4. Learned counsel appearing on behalf of petitioner submits that the State agencies have started constructing a Panchayat Sarkar Bhawan over the land pertaining to Khata No. 651, Plot No. 2058, situated in Thana No. 159, Anchal: Hasanpur, Mauza - Sakarpura, District Samastipur, which as per the petitioner is recorded as “*Rasta*” in the Revenue records over which the PWD road passes. After having knowledge regarding construction of Panchayat Sarkart Bhawan over the land in question, which as per the petitioner is recorded as “*Rasta*” in the Revenue records, the petitioner and the co-villagers started agitating against the same and in that process, they have filed a detailed representation before the District Collector, Samastipur on 23.06.2025 (Annexure- P/4), which as per the petitioner continues to be pending.

5. Learned counsel for the petitioner submits that the petitioner would be satisfied if an appropriate direction is issued by this Court directing the District Collector, Samastipur to dispose of the pending representation on merit, after hearing the petitioner, by passing a reasoned and speaking order within a fixed time frame.

6. Learned counsel appearing on behalf of respondent-State has no objection to this prayer being made by



the learned counsel for the petitioner.

7. Considering the limited nature of prayer being made by the learned counsel for the petitioner, this writ application is disposed of directing the District Collector, Samastipur to dispose of the pending representation of the petitioner and other co-villagers dated 23.06.2025 (Annexure- P/4) after giving an opportunity of hearing to the petitioner by passing a reasoned and speaking order.

8. The entire exercise must be completed within a period of two months from the date of presentation of a copy of this order by the petitioner before the District Collector, Samastipur.

9. While disposing of the representation of the petitioner and the co-villagers, the District Collector, Samastipur will ensure that the Panchayat Sarkar Bhawan is not constructed over any piece of land which has been recorded as “*Rasta*” in the Revenue records. The construction of Panchayat Sarkar Bhawan must not cause any hindrance or obstruction to the ingress and egress of the petitioner.



10. With the aforesaid observation and direction the present writ application is disposed of. Any pending interlocutory applications also stand disposed of.

(Alok Kumar Sinha, J)

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