

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11979 of 2024

1. Sri Narayan Rai Son of Late Damodar Rai resident of Village- Bithouli, Police Station- Baheri, District- Darbhanga.
2. Hem Kumari Devi @ Hem Kumari Raiyani, Wife of Sri Narayan Rai resident of Village- Bithouli, Police Station- Baheri, District- Darbhanga.
3. Sunil Kumar Ray, Son of Radha Raman Rai resident of Village- Bithouli, Police Station- Baheri, District- Darbhanga.
4. Ramesh Chandra Yadav, Son of Mahendra Yadav resident of Village- Bithouli, Police Station- Baheri, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of Panchayati Raj, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Panchayati Raj, Govt. of Bihar, Patna.
3. The Principal Secretary, Department of Building Construction, Govt. of Bihar, Patna.
4. Executive Engineer, Building Construction Division, Darbhanga, Department of Building Construction.
5. The District Magistrate, Darbhanga.
6. The Sub Divisional Officer, Darbhanga.
7. The Block Development Officer Baheri, Police Station Baheri, District Darbhanga.
8. The Anchaladhikari Baheri, Police Station Baheri, District- Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Jagdish Prasad Singh
For the Respondent/s : AC to SC-13

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 20-01-2025 1. Heard learned counsel for the petitioners and learned AC to SC-13.

2. The learned counsel for the petitioners submits that the dispute in the present writ application is with respect to a piece of land pertaining to *Khata* No. 768, *Khesra* No. 29, Area



18 *Kattha* 10 Dhurs at Mouza-Bithouli, District- Darbhanga.

3. The learned counsel for the petitioners next submits that the land in dispute originally belonged to the *Zamindar* namely Bachcha Choudharain, it is further submitted that the land in dispute was carved out from CS *Khata* No. 316, *Khesra* No. 20, Area 2 acres 49 decimals.

4. The learned counsel next submits that during revisional survey, *Khata* No. 768 was carved out from CS *Khata* No. 316 and *Khesra* No. 28, Area 55 decimal, 28/3722, area 22 decimal, 29 Area 80 decimal and 29/3821, area 90 decimal were carved out from *Khesra* No. 20 of CS *Khata* No. 316. It is next submitted that the land in dispute came in the share of Govind Narayan Choudhary who was legal heir of original *Zamindar* Bachcha Choudharain. It is next submitted that petitioner no. 1 purchased four *katthas* of land from Govind Narayan Choudhary vide registered sale deed dated 29.03.2004 pertaining to *Khesra* No. 29, *Khata* No. 768, similarly petitioner no. 2 purchased 4 *Kattha* of land from Govind Narayan Choudhary by registered sale deed 16.08.2005, further petitioner no. 3 purchased 5 *kattha*, 5 *dhur* of land pertaining to *Khesra* No. 29, *Khata* No. 768 from Uday Shankar Choudhary, grandson of Govind Narayan Choudhary, thereafter petitioner



no. 4 also purchased 5 *Kattha* 5 *dhur* of land from another grandson of Govind Narayan Choudhary namely Vinay Kumar Choudhary vide registered sale deed dated 18.11.2014.

5. The learned counsel for the petitioners next submits that petitioner nos. 1 and 4, after purchasing the land in dispute as recorded hereinabove, applied for getting their name mutated over their purchased land and accordingly, *Jamabandi* No. 49 was created in the name of petitioner no. 1 and *Jamabandi* No. 24A was created in the name of petitioner no. 4. It is next submitted that *Jamabandi* with respect to the purchased land of petitioner nos. 2 and 3 has not been created as they never applied for mutation, but lay claim over the land based on sale deed.

6. The learned counsel for the petitioners next submits that purchased land of the petitioners has been used for constructing a Panchayat *Sarkar Bhawan* without acquiring and giving compensation to the petitioners. It is further submitted that *Jamabandi* in the name of petitioner nos. 1 and 4 is running till date and has not been cancelled, but then fairly submits that petitioner nos. 2 and 3 did not apply for creating *Jamabandi* in their name with respect to land purchased, but then the sale deed amply demonstrates that the land was purchased by petitioner



nos. 2 and 3 from the legal heirs of Bachcha Choudharain.

7. The learned counsel appearing on behalf of the State submits that from perusal of the prayer made in the writ application, it would manifest that the petitioners have challenged the order dated 05.06.2024 issued under the signature of respondent-Executive Engineer endorsing the letter to the Circle Officer, Baheri and the *Anchaladhikari* has been directed to demarcate the land at Mouza-Bithouli Thana No. 125 appertaining to RS *Khata* no. 768, RS Plot No. 29 Area 80 decimal for construction of Panchayat *Sarkar Bhawan*. It is next submitted that the Panchayat *Sarkar Bhawan*, till date, has not been constructed and in the event if the petitioners are aggrieved by the said letter, they ought to have filed an application before the District Magistrate, Darbhanga bringing to his notice that the lands of the petitioners are being utilized for construction of Panchayat *Sarkar Bhawan* without acquisition and compensation, on which the learned counsel appearing on behalf of the petitioners submits that petitioners have already filed a detailed representation before the District Magistrate, Darbhanga for redressal of their grievance as raised in the instant writ application on 19.06.2024 and the same has been received in the office of the Collector also, but then the



Collector, Darbhanga till date has not taken any action on the representation of the petitioners.

8. The learned State counsel further submits that petitioners be directed to file a fresh representation before the Collector, Darbhanga with all the relevant documents in support of their claim with respect to the land in dispute, on which the learned counsel appearing on behalf of the petitioners submits that a fresh representation before the Collector, Darbhanga shall be filed by the petitioners with all the relevant documents in support of their claim.

9. After hearing the learned counsel for the parties, the writ application is disposed of with a direction to the Collector, Darbhanga that if the petitioners file any representation on or before 04.02.2025 with respect to the claim as raised in the instant writ application, in that event the Collector, Darbhanga shall consider and dispose of the representation of the petitioners in accordance with law within a period of three months thereafter.

(Satyavrat Verma, J)

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