

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15614 of 2025

Dr. Phulo Paswan Son of Late Kheyali Paswan, resident of village- Makiya, P.O. - Bishanpur, P.S.- Benipatti, District- Madhubani, at present Madhwi Kunj, Mohalla- Alka Colony, Sandalpur, P.O.- Mahendru, P.S.- Bahadurpur, District - Patna, Pin Code- 800006.

... .. Petitioner/s

Versus

1. The State of Bihar through its the Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
2. The Secretary, Rural Development Department, Govt. of Bihar, Patna.
3. The Director, Rural Development Department, Govt. of Bihar, Patna.
4. The Commissioner, MGNREGA, Rural Development Department, Govt. of Bihar, Patna.
5. The District Magistrate, Madhubani.
6. The Deputy Collector cum Land Reforms Officer, Benipatti, Madhubani.
7. The Sub-Divisional Magistrate, Benipatti, Madhubani.
8. The Circle Officer, Benipatti Block, Madhubani.
9. The Block Development Officer, Benipatti Block, Madhubani.
10. The Programme Officer, Benipatti Block, Madhubani.
11. Amit Anand, Panchayat Secretary, Makiya Gram Panchayat, Halkat, Bishanpur, P.S. + Anchal- Benepatti, District- Madhubani.
12. Contractor Hiralal Paswan, Son of Late Jhoman Paswan, resident of village- Makiya, P.O.- Bishanpur, P.S. - Benipatti, District- Madhubani.
13. Panchayat Samiti Smt. Rajiya Devi Wife of Hira Lal Paswan, resident of village- Makiya, P.O.- Bishanpur, P.S. - Benipatti, District- Madhubani.
14. Md. Samim, Son of Late Md. Sajiv, resident of Village- Makiya, P.O. - Bishanpur, P.S. - Benipatti, District- Madhubani.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Kumar Ravi Shankar, Adv.
For the Respondent/s	:	Mr. Government Pleader (18)

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 14-10-2025 The instant writ petition has been filed by the petitioner under Article 226 of the Constitution of India, seeking the following reliefs :-

“ a) For issuance of writ in the nature of



certiorari to setting aside the order dated 28.10.2024 in Misc. Case No.30 of 2024 passed by the District Magistrate cum Collector, Madhubani by way of wrong enquiry report who committed wrong such persons are enquiry officer even if direction of this Hon'ble High Court order dated 25.04.2024 in C.W.J.C. No. 969 of 2024.

b) For issuance of direction to the respondent authorities either remove the illegal encroachment of the Private land of the petitioner [Khata No.25 (Old) 461(New) & 10, 334, 374, 111, Tauzi No. 2255, Thana No. 118, Jamabandi No. 53, 336 & 337 & Khata No. 10 (Old) 461 (New), Khesara: 418 (Old) 1153 (New), Tauzi No.2269, Thana No. 118, Jamabandi No.53 Part-1,] or give and grant compensation in accordance with the law for forcefully constructing the road [Area 1040 Square Feet] under "MGNREGA" scheme without any consent and information of the petitioner.

c) For issuance of direction to the respondent authorities to give and grant the compensation/damage for the construction of the road in provision of Land Acquisition Act which resulted in the spoiling of all standing crops over the land in question under the connivance of the anti-social person.

d) For issuance of any other appropriate writ/ writs, order/ orders, direction/ directions for which the writ petitioner shall be found entitled under the facts and circumstances of the case.”

2. Mr. Kumar Ravi Shankar, learned counsel for the petitioner and learned Government Pleader-18 for the State-respondents, are present and they are heard.



3. The main grievance of the petitioner raised in this writ petition is that a road under the MGNREGA scheme has been constructed over the petitioner's land without getting consent of the petitioner and without giving any compensation to him and he purchased the said land through two sale deeds, detailed in paragraph No. '4' & '5' of the petition. It is submitted by petitioner's counsel that the petitioner earlier preferred CWJC No. 969 of 2024, which was decided vide order dated 25.04.2024, giving direction to the petitioner to file a proper representation along with all the relevant documents before the District Magistrate, Madhubani (respondent No. 5), and in the light of the said direction, the petitioner approached to the District Magistrate, Madhubani, and filed his representation, upon which the impugned order dated 28.10.2024 in Misc. Case No. 30 of 2024 (Annexure-P/7) was passed. In the impugned order dated 28.10.2024, the District Magistrate, Madhubani, has observed that over the petitioner's land pertaining to C.S. Khesra Nos. 417 & 418 and R.S. Khesra Nos. 1153, 1198, 1158, 1325 & 1326, no any action of soil filling work under the MGNREGA scheme has been done and the said observation as well as conclusion has been made by the District Magistrate, Madhubani, on the basis of the joint inquiry



report submitted by the Circle Officer, Benipatti, Madhubani, and the Programme Officer, MGNREGA Benipatti, Madhubani. It is further submitted by petitioner's counsel that the said joint inquiry report is completely wrong and the same has been filed by the Circle Officer and the Programme Officer, MGNREGA, with prejudicial approach as they are interested in the issue.

4. In view of the aforesaid facts and findings given by the District Magistrate, Madhubani, in Misc. Case No. 30/2024 vide order dated 28.10.2024; the issue raised by the petitioner requires sufficient evidences from both the sides and the same cannot be decided by this Court while exercising its writ jurisdiction and the petitioner should have either challenged the order of the District Magistrate, Madhubani, before the appropriate authority under the specific law or approached the civil court for redressal of his grievance, particularly, in respect of the alleged act of the State-respondents.

5. Accordingly, with the above observation, the instant writ petition stands disposed of.

(Shailendra Singh, J)

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