

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15201 of 2025

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Bipin Bhushan Asthana, S/o Late Braj Kishor Prasad, R/o Ward No. 7, Near Ram Janki Mandir, Nandwara, Post- Bell Bairgania, P.S.- Bairgania, District- Sitamarhi, Bihar- 843313.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna.
2. The Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna.
3. The District Magistrate, Sitamarhi, Bihar.
4. The District Panchayati Raj Officer, Sitamarhi, Bihar.
5. The Circle Officer, Bairgania Circle, District- Sitamarhi, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Aryan Sinha, Adv.
For the Respondent/s : Mr. Uday Prasad, AC to GP-22

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 25-09-2025 The instant writ application has been filed under Article 226 of the Constitution of India by the petitioner seeking the following relief(s):

"I. To restrain the Respondent Authorities from giving effect to the proceeding of Record No. 07 of 2024-25 instituted for construction of Panchayat Sarkar Bhawan till the pendency of the Writ Petition.

II. To restrain the Respondent Authorities from taking necessary steps for building Panchayat Sarkar Bhawan in the land pertaining to Khata No. 784, Plot No. 520, Thana No.- 07, admeasuring 28 decimal situated at Circle Bairgania P.S. Bairgania, Nandwara, District - Sitamarhi, Bihar - 843313.



III. To restrain the Respondent Authorities not to proceed with the construction work of the Panchayat Sarkar Bhawan on land pertaining to Khata No. 784, Plot No. 520, Thana No.-07, admeasuring 28 decimal situated at Circle Bairgania P.S. Bairgania, Nandwara, District - Sitamarhi, Bihar - 843313.

IV. To direct the Respondent Authorities to maintain the status-quo of the land in question till disposal of the instant Writ Petition."

2. Mr. Aryan Sinha, learned counsel appearing for the petitioner and Mr. Uday Prasad, learned counsel appearing 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 building of the Panchayat Sarkar Bhawan is being constructed over his land pertaining to Khata No. 784, Plot No. 520, Thana No. 07 measuring 28 decimals situated at Circle Bairgania, P.S. Bairgania, Nandwara, District- Sitamarhi and the said land is an ancestral property of the petitioner which was purchased by the petitioner's father vide sale deed dated 19.12.1966 since then, the petitioner and his family members have been in their possession over the said land and have also been paying Malguzari tax in respect of it to the government even then, the construction of the Panchayat Sarkar Bhawan has been sanctioned by the State authorities.

4. As the petitioner has directly approached to this



court without availing the efficacious remedies available under the civil law, hence, this court is not persuaded to invoke its writ jurisdiction to decide the petitioner's issue, however, he is given a liberty to raise his issue either by filing an application before the District Magistrate, Sitamarhi, on the administrative side or by filing a civil suit, if so advised, before the competent Civil Court for redressal of his grievance and in this regard, petitioner is given six weeks' time, if he does so within the stipulated period then the time spent by the petitioner in this writ petition shall not be taken into consideration while computing the necessary limitation period.

5. If the petitioner files an application in administrative side then concerned District Magistrate shall dispose of the representation within four weeks from the date of its filing.

6. Accordingly, with these observations and direction, the instant writ petition stands disposed of.

7. Interlocutory application, if any, filed by the petitioner also stands disposed of.

(Shailendra Singh, J)

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