

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17083 of 2025

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1. Sanjay Prasad Singh Son of Shanti Saran Prasad Singh @ Vilayati Prasad Singh Resident of Village- Basniyawan, P.S.- Gokhulpur, District- Nalanda.
 2. Kaushlendra Kumar, Son of Late Arjun Prasad Singh Resident of Village- Basniyawan, P.S.- Gokhulpur, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Panchayati Raj, Government of Bihar, Patna.
2. The District Magistrate, Nalanda.
3. The District Panchayati Raj Officer, Nalanda.
4. The Circle Officer, Harnaut, District- Nalanda.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar, Advocate
	:	Mr. Ram Vinay Pd. Singh, Advocate
For the State	:	Mr. Government Pleader (4)

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 13-11-2025 Heard Mr. Sanjay Kumar, learned counsel for the petitioner and Mr. Manish Kumar, learned GP-4 representing the State.

2. The present petition has been preferred for the grant of following relief(s):

“(i) for direction upon the respondent concerned specially Respondent no.2 (the District Magistrate, Nalanda) not to allow the respondent no.4 to make construction of Panchayat Sarkar Bhawan of Gram Panchayat Raj, Basaniyawan under Block-Harnaut, District-Nalanda over the Raiyati land



pertaining to Thana No. 242, Khata No. 67 and 68 Khesra No. 607-609 and 610 situated under Mauza-Basniyawar, Police Station- Harnaut, District-Nalanda as the same is Gairmazarua Malik land and petitioner is in possession over the lands in question since prior to independence as C.S. Khatiyar itself demonstrates that "MAKAN MAI SAHAN" is mentioned and since the lands in question is residential and "BELAGAN" and as such separate Jamabandi could not be created and Rent receipts is not issued but in support of the possession the electric connection is standing in name of family members of the petitioner despite that without issuing any notice or without giving an opportunity to place his defence specially to prove his claim over the lands in question unilaterally decision for construction of Panchayat Sarkar Bhawan amalgamating the lands in question whether Government land have been taken which is illegal in the eye of law.

(ii) for directing up on the



Respondents concerned to pay an adequate compensation to the petitioner for illegal demolition of constructed dwelling house of the petitioner which was standing over the lands in question since long in grab of encroachment of public land without following any procedure of law or initiating any encroachment case or without using any notice to the petitioner explaining his basis of possession over the lands in question and suddenly at the instance of Respondent Circle Officer, Harnaut (Respondent No. 3) with the help of local Police administration dwelling house of the petitioner has been demolished which is not only illegal rather contrary to Article 300-A of the Constitution of India.

(iii) for a direction upon the Respondents concern not to make any construction over the lands in question as petitioner has already filed T.S. No. 380 of 2024 which is pending in the Court of learned Sub Judge, Nalanda at Bihar Sharif declaration of



title and for restraining the Respondent authorities not to disturb the possession of the petitioner and make any construction over the lands in question despite that authorities are adamant to make construction of Panchayat Sarkar Bhawan over the lands in question.

(iv) for issuance of an appropriate writ/s order/s, direction/s to the respondent no.2 to pass appropriate order on the application filed by the petitioner no.2 in compliance of order dated 08.07.2025 passed by Hon'ble Patna High Court in CWJC No. 9197 of 2025 whereby and under the Hon'ble Court has relegated the petitioner to him for redressal of his grievance but till date no order or action has been taken in that regard.

(v) for any other order/orders for granting any relief/reliefs for which the petitioner is bound/entitled to in the facts and circumstances of the case.”

3. It is the claim of the petitioner that the land belongs to him, structure is also there but the respondents are held belt



upon constructing the Panchayat Bhawan.

4. Learned State counsel submits that the petitioner has already preferred a Title Suit No. 380 of 2024 before competent Civil Court which is pending instead of pursuing the matter there, he has rushed to Patna High Court.

5. Learned counsel for the petitioner submits that an injunction petition was preferred before the competent Civil Court as incorporated in paragraph no.11 of the petition but despite the date earlier fixed, the same has not been taken to its logical conclusion.

6. In the opinion of the Court, once the Title Suit has been preferred by the petitioner with regard to the same matter, it would be appropriate that the same is taken to its logical conclusion. Further, where an injunction petition has been filed by him, it is expected from the concerned court to take up the matter and and pass an appropriate order preferably by 30.06.2025, if the concerned court has not taken up the same.

7. The writ petition stands disposed of with the aforesaid observation.

(Rajiv Roy, J)

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