

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.916 of 2025

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Neeraj Kumar Gautam Son of Nawal Kishor Singh @ Nawal Kishore Singh,
Resident of Village Shekhwara, P.S. Magadh University, District - Gaya,
Bihar

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna
2. The Principal Secretary, Department of Planning and Development, Government of Bihar
3. The Principal Secretary, Department of Planning and Development, Government of Bihar, Patna
4. The District Magistrate, Gaya, Bihar
5. The District Development Commissioner, Gaya, Bihar
6. The District Planning Officer, Gaya, Bihar
7. The Circle Officer, Bodh Gaya, Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Prashant Kumar Mr. Netan Chouhan
For the Respondent/s	:	AC to AAG-13

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 04-03-2025 1. Heard learned counsel for the petitioner and
learned AC to AAG-13 for the State.

2. The learned counsel for the petitioner submits that the land pertaining to CS Khata No. 65, Plot No. 381 (RS khata No. 57, Plot No. 1473) Area 3 acres 47 decimal at Mauza-Matihani, Thana No. 417, Anchal- Bodh Gaya is raiyati land of the petitioner. It is submitted that the land originally belonged to one Goswami Jay Narayan Giri. It is next submitted that Goswami Jay Narayan Giri had sold 9.66 acres of land



pertaining to the aforesaid Khata and Khesra to Goswami Chabi Giri vide registered Sale Deed No. 24142 of 1972 and the grandmother of the petitioner namely Rajeshwari Devi purchased 3 acres 47 decimals of the aforesaid land vide a registered Sale Deed No. 5877 of 1974 from Goswami Chabi Giri. It is submitted that the grandmother of the petitioner, after purchasing the land in dispute, got the same mutated and started paying rent to the State of Bihar as would manifest from Annexure P/4 to the writ application. It is submitted that petitioner and his ancestors are in possession of the land for the last more than 50 years and all of a sudden, the construction of Panchayat Sarkar Bhawan started on the land of the petitioner without acquiring the same.

3. The learned counsel appearing on behalf of the State submits that from perusal of Annexure P/5 to the writ application at Page-25, it would appear that the petitioner had represented before the Circle Officer, Bodh Gaya praying therein that the contractor be restrained from carrying out the construction, further in the said representation it was also recorded that in the revisional survey khatian, the possession of Rajeshwari Devi was recorded as illegal, on which the learned counsel appearing on behalf of the petitioner submits that if the



possession of the grandmother of the petitioner was illegal on the land in dispute then on what basis the land was mutated in her name and why the State Government is accepting rent from her and thereafter from her legal heirs. It is further asserted and submitted that the land in dispute is a raiyati land and not a government land, but then the authorities without holding a proper inquiry are carrying on with the construction of the Panchayat Sarkar Bhawan over the raiyati land of the petitioner without acquiring the same.

4. The learned counsel appearing on behalf of the State submits that the writ application can be disposed of with a liberty to the petitioner to file a fresh representation/application before the Collector, Gaya with all the relevant documents relating to the land in dispute for arriving at a conclusion that as to whether the land in dispute is raiyati land, government land or does not belong to the ancestors of the petitioner.

5. After hearing the learned counsel for the parties, the writ application is disposed of with a liberty to the petitioner to file an application before the Collector, Gaya on or before 18.03.2025 with all the relevant documents relating to the land.

6. In the event, if any application is filed by the petitioner on or before 18.03.2025 in that event, the Collector,



Gaya shall consider and dispose of the same in accordance with law within a period of one month after giving opportunity of hearing to the petitioner.

7. It is further made clear that if any application is filed by the petitioner after 18.03.2025, the Collector, Gaya shall not be obliged to entertain the same.

8. It is also made clear that if any application is filed on or before 18.03.2025 by the petitioner in that event further construction of the Panchayat Sarkar Bhawan on the land in dispute shall remain stayed until the representation/application of the petitioner is not decided by the Collector, Gaya within the time stipulated as recorded hereinabove.

(Satyavrat Verma, J)

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