

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.112 of 2025

In
Civil Writ Jurisdiction Case No.462 of 2025

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Mahesh Singh Son of Ramsudit resident of Village- Baghakoll, Police Station
Maker, District- Saran at Chapra.

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Panchayati Raj, Government of Bihar, Patna.
2. The Principal Secretary, Department of Panchayati Raj, Government of Bihar, Patna.
3. The District Panchayati Raj Officer, Saran at Chapra.
4. The District Magistrate, Saran at Chapra.
5. The Circle Officer, Block Maker, District Saran at Chapra.
6. The Halka Karmchari, Block Maker, District Saran at Chapra.
7. The Maker Gram Panchayat, Baghakoll Block, Maker, District- Saran at Chapra.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Rohit Singh, Advocate
For the Respondent/s : Mr. Government Advocate-05

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

4 06-04-2026 The Letters Patent Appeal has been filed challenging the order dated 21.01.2025 passed by the learned Single Judge in C.W.J.C. No. 462 of 2025 in dismissing the writ petition.

2. The writ petition was filed by the appellant-petitioner, Mahesh Singh, seeking a direction to the respondents for restraining them from constructing Panchayat Bhavan in Baghakoll Police Station under Maker Block, District Saran at



Chapra on raiyati plot of the petitioner appertaining to Khata no. 451, Survey plot no. 1636, area 36 Katha for which upto date rent receipts are being issued in the name of the uncle of the petitioner, without acquiring the land and without paying any compensation to the petitioner.

The petitioner stated in the writ petition that the land of the petitioner bearing Khata no. 451 stands recorded in Khatian as “ Gairmajarua Malik” and in the remarks column, the name of the grandfather of the petitioner is mentioned and that he filed representation before the Circle Officer, Maker, Saran and Panchayat Secretary, Baghakol Maker, District Saran at Chapra and other authorities regarding the illegal construction of the Panchayat Bhavan with all the relevant documents. However, he has got no relief and the authorities concerned had paid no heed towards the grievance of the petitioner or considered that the ancestors of the petitioner were in uninterrupted peaceful possession over the land since before vesting of Jamindari for which they paid rent to the Jamindar and thereafter, the petitioner came in peaceful possession of the same for which he is also paying rent till the date, to the State of Bihar and therefore, the petitioner is entitled to get the relief as sought for.



3. By the order dated 21.01.2025, the learned Single Judge has been pleased to hold that since the Panchayat Sarkar Bhavan is being constructed on the land, which has been recorded in Khatian as “Gairmajarua Malik”, therefore, no illegality was found in the order and in the selection of that particular land for construction of Panchayat Sarkar Bhavan.

4. The learned counsel for the appellant submitted that the learned Single Judge has misdirected himself in appreciating that by simple entry in the Khatian as “Gairmajarua Malikan” does not establish that the said land belonged to Government and since a long standing Jamabandi is still running in the name of the uncle of the appellant, which was suggestive of the fact that the nature of the land was raiyati, the learned Single Judge should have considered the prayer of the petitioner. He also placed the decision of this Court in the case of ***Smt. Anju Kumari and Ors. -Vs.- State of Bihar through Principal Secretary, Department of Revenue and Land Reforms and Ors.***, reported in ***(2023) 4 PLJR 484*** by the learned Single Judge, wherein the Court observed as follows:-

“54. This Court in the case of Harendranath Tiwari v. State of Bihar, 1987 Supp SCC 56 has held that long Standing Jamabandi cannot be cancelled by the state by simply doubting the Jamabandi. The State has to file a Civil



Suit for cancelling long standing Jamabandi.

56. In view of the law laid down by the Hon'ble Supreme Court and this Court, it is clear that the petitioners are in possession of the land and there is long standing jamabandi of more than 50 years and the petitioners cannot be denied compensation of their land by the State by taking steps for cancellation of jamabandi. The State could have taken steps for challenging the Jamabandi of the petitioner by filing a civil suit and no other mode is available to the State to challenge the jamabandi and possession of the petitioners.”

5. We are of the view that on the basis of the document on which the order has been passed, it cannot be said that there is any perversity in the same. If there are other documents with the petitioner to establish that he was in continuous possession of the land in question or his ancestors were in possession of the same and there were rent receipts available with him, then all those aspects can be highlighted by filing appropriate case before the appropriate forum of competent jurisdiction, which would consider the claim of the petitioner in accordance with law. The relief sought for, cannot be adjudicated, unless the documents are considered and the evidence are adduced by the parties, therefore, it is open to the petitioner to seek appropriate remedy in accordance with law.



6. Accordingly, the Letters Patent Appeal stands disposed off, giving liberty to the petitioner to approach the competent Court for seeking necessary relief, in accordance with law.

(Sangam Kumar Sahoo, CJ)

(Harish Kumar, J)

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