# IN THE HIGH COURT OF JUDICATURE AT PATNA
**Civil Writ Jurisdiction Case No.11825 of 2025**

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1. Kanhaiya Kumar Panday Son of Sri Dinesh Panday, Resident of Village- Dhankutwa, P.S.- Balthar District- East Champaran.
2. Haribansh Kumar Gautam, Son of Sri Krishna Kumar Panday, Resident of Village- Dhankutwa, P.S.- Balthar District- East Champaran.

... ... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Panchaity Raj Department, Govt. of Bihar, Patna.
3. The Director, Panchayati Raj Department, Govt. of Bihar, Patna.
4. The Divisional Commissioner, Tirhut Division, Muzaffarpur.
5. The District Magistrate, West Champaran.
6. The Additional Collector, West Champaran.
7. The District Land Reforms Collector, West Champaran.
8. The District Panchayati Raj Officer, West Champaran.
9. The Circle Officer, Sikata, District- West Champaran.
10. The Block Development Officer, Sikta, District- West Champaran.

... ... Respondent/s

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with

**Civil Writ Jurisdiction Case No. 4700 of 2026**

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Dhrub Narayan Singh son of Brij Narayana Singh, resident of Village-Sitab Diyra, P.S.-Dhanha, District-West Champaran.

... ... Petitioner/s

Versus

1. The State of Bihar Bihar.
2. The District Magistrate, West Champaran.
3. The Circle Officer, Sikta, West Champaran.
4. Kanhaiya Kumar, son of Dinesh Pandey, residents of Village Dhankutwa, P.S.-Balthar, District-West Champaran.
5. Haribansh Kumar Gautam @ Haribansh Gautam, son of Krishna Kumar Pandey, residents of Village Dhankutwa, P.S.-Balthar, District-West Champaran.

... ... Respondent/s

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**Appearance :**
(In Civil Writ Jurisdiction Case No. 11825 of 2025)
For the Petitioner/s : Mr. Akhilesh Kumar Sinha, Adv.
For the Respondent/s : Mr. Ravi Kumar, AC to GP-13

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(In Civil Writ Jurisdiction Case No. 4700 of 2026)
For the Petitioner/s : Mr. Bhagya Narayan Jha, Adv.
For the Respondent/s : Mr. Sarvesh Kumar Singh, AAG-13
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**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**

ORAL ORDER

6 21-04-2026 Heard the parties.

2. The present application has been preferred for the following relief(s):

*(i) For quashing the order dated 30.06.2025 vide the District Memo No. 15161 passed by Magistrate, West Champaran, Bettiah as per the order passed in C.W.J.C. No. 3409/2025 (vide Annexure-13) whereby and whereunder the respondent is again forcefully and illegally start the construction work of Panchayat Bhawan at Dhankutwa District West Champaran. The aforesaid land bearing Khata No. 394, Khesra No. 2034 an area 2.54 Acres on which the ancestral property of the petitioners purchased on 1.7.1937 area 4 katha land on which Jamabandi no. no. 69 was created in 1965 and since then rent receipt and right title and possession of the petitioner ancestral land till today.*

*(ii) For issuance of mandamus directing and commanding the respondent authorities to protect the only 4 katha of raiyati land of the petitioners be exclude from the construction of Panchayat Bhawan.*

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*Because it is an high plat measuring 2.54 acres of land long standing Jamabandi of the ancestral of the petitioner about 60 years be disposed by such a criptic , vague, illegal order passed by the respondent authority.*

*(iii) For issuance of any other appropriate writ/order/direction for which the petitioners are legally entitled under the facts and circumstances of the case and immediate stop the construction work of Panchyat Bhawan with regards to the petitioner land 4 katha only.*

3. The land details are available in paragraph 1 of the petition.

4. The petitioner claims to be having Jamabandi only in respect to four kathas of land (out of 2.54 acres) in Khata No. 394, Khesra No.- 2034 vide Jamabandi No. 69 which was created in the year 1965, rent receipt issued and the petitioner/ family members coming in continuous physical possession over it.

5. When the respondents decided to construct a Panchayat Sarkar Bhawan on the said plot measuring 2.54 acres of land, naturally, the petitioner having Jamabandi of four kathas of land was aggrieved. He rushed to this Court in CWJC No. 3409 of 2025 which was disposed of on 27.02.2025 and the Co-

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ordinate Bench directed the petitioner to move before the Collector, West Champaran, Bettiah who shall be passing an appropriate order and till then, the petitioner was protected so far as his land is concerned. It is made clear that the Court only protected the petitioner with respect to four kathas of land and not with regard to entire 2.54 acres inasmuch as none of other litigant to the knowledge of the respondents have approached Patna High Court.

6. The Collector, West Champaran, Bettiah took up the matter and rejected the claim of the petitioner vide order dated 12.10.2025 holding that it is a ‘Gair Majarua Aam’ land (Annexure- 13 to the petition).

7. Aggrieved, the writ petition.

8. Learned counsel for the petitioner submits that it is an admitted fact that a Jamabandi is running in the name of his family members from the year 1965 which is more than six decades. Further, in the case of Kedar Das vs. State of Bihar & ors. reported in 2023 (2) BLJ 423, it has been held that the long standing jamabandi can only be canceled by a Competent Civil Court and not by the respondents who have to file an appropriate suit in the matter (Annexure- P/12 to the petition).

9. The submission is that in that background, the

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Collector, West Champaran be resisted from taking coercive step against the petitioner.

10. An affidavit has come on behalf of the respondents and learned State Counsel has taken this Court to paragraph 6 to show that a Jamabandi Cancellation Case No. 102 of 2024-25 (State through LRDC, Narkatiaganj vs. Kailashpati Pandey) has been initiated in which notice has been issued to the petitioner and received by one of the family member, namely Abhishek Pandey on 21.12.2025.

11. The facts have been recorded, the law point put forward by the petitioner has also been taken note of. However, in the opinion of the Court, all the facts/ law points are available to the petitioner for putting it forward before the Additional Collector, West Champaran in Jamabandi Cancellation Case No. 102 of 2024-25.

12. Needless to add, if the petitioner appears and submits his response/ law points, each and every aspect has to be taken care of, incorporated in the order while disposing of the said case.

13. This Court once again makes it clear that so far as this case is concerned, the petitioner is aggrieved by only four kathas of land out of 2.54 acres of land in Khata No. 394 and

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Khesra No. 203.

14. There is/was no order with respect to the other parts of the said khata and khesra. If the petitioner has already appeared, the respondent, Additional Collector, West Champaran shall be passing a reasoned order in next three months.

**CWJC No. 4700 of 2026**

15. The present application has been preferred for the following relief(s):

> *I. To issue a writ/writs in the nature of mandamus directing/commanding to the respondents to proceed with the construction of the Panchayat Bhawan on the land to Khata no.394, Khesra No.2034 which is in nature of Gair Majarua Aam land.*
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> *II. To issue a appropriate writ or writs, order or orders, direction/directions to the respondents to take proper action against a person who disturb the work of Government Construction.*

16. Learned counsel for the petitioner submits that he is the Executing Agency of the Panchayat Sarkar Bhawan and as a precautionary measure, he has already left out four kathas of land of the petitioner in the 2.54 acres of the land on which the Bhawan is to be constructed.

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17. In view of the fact that the matter has now travelled to the Court of learned Additional Collector, West Champaran, Bettiah, the result of it will affect the fate of the aforesaid petitioner, Dhrub Narayan Singh so far as the four kathas of land is concerned.

18. Both the writ petitioners are disposed of with the aforesaid observations.

**(Rajiv Roy, J)**

Vijay Singh/-

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