IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5724 of 2017

CNR No. BRHC010437132017

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Ajay Kumar Sinha Son of Late Parmeshwar Lal, Resident of Village- Tandawa, P.O.- Banka Bazar, P.S.- Roshan Ganj Banke Bazar, District- Gaya.

... ... Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Civil Surgeon, Jai Prakash Narain Hospital, Gaya.
3. The Incharge, Health Department, Banks Bazar, Gaya,.
4. The Collector, Gaya.
5. The Circle Officer, Banke Bazar Circle, Gaya.

... ... Respondent/s

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Appearance :
For the Petitioner/s : Mr. Dharmendra Kumar Sinha, Adv.
For the State : Mr. Vishwa Ranjan Chaudhary, GP 25

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CORAM: HONOURABLE MR. JUSTICE RAJ KUMAR

ORAL ORDER

7 30-10-2026 Heard learned counsel for the petitioner as well as learned counsel appearing on behalf of the State.

2. This writ application has been filed by the petitioner:-

I) For issuance of an appropriate direction to the respondents not to make any construction over New Khata No. 132, New Plot No. 177, having Chak Khata No. 480 and Chak Plot No. 277, admeasuring a total area of 17 decimals, situated at Village Banka Bazar, District Gaya, which forms part and parcel of the petitioner's land.

II) For issuance of an appropriate direction from the

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Respondents to remove the encroachment made by him over new Khata No. 132, New Plot No. - 177 appertaining to an area of 17 decimals, situated in Village- Banke Bazar, District- Gaya, which is recorded in survey Khatiyan in the name of petitioner and Joint Director, (Consolidation) Gaya in Revision Case No. 365/88 by his order dated 06.07.1994, had specifically stated that Respondent, Health Department has no concern with the land of the petitioner and Health Department is only concerned with Kheshra No. 163 having an area of 0.04 decimals and Keshra No. 164 having an area of .66 Acres which is recorded in his name.

3. Learned counsel for the petitioner has submitted that even though the petitioner has already filed an application before the concerned authorities vide ***Annexure 5*** of the present writ application till date the same has not been decided by the Respondent-authorities.

4. Learned counsel for the petitioner, at this juncture, submits that he shall file a fresh representation before the concerned Respondent no. 4 and Respondent no. 4 may consider and decide the matter with regard to the grievance of the petitioner.

5. Learned counsel for the State also does not dispute

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the position.

6. Taking into consideration the aforesaid facts, this Court finds it appropriate that the petitioner shall make a fresh representation before Respondent No. 4 within a period of four weeks from today and thereafter, the Respondent No. 4 shall consider and decide the representation of the petitioner within a period of eight weeks from the date of filing of such representation after hearing all the necessary parties and in accordance with law .

7. Writ application stands disposed of in view of the observations made aforesaid.

8. The decision rendered in ***Ashrafi Yadav v. State of Bihar, reported in 2026 (5) PLJR 211***, particularly the observations made in paragraphs 28 to 30 thereof, shall also be taken into consideration by the concerned respondents while deciding the grievance of the petitioner.

(Raj Kumar, J)

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