

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14555 of 2025

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1. Manish Kumar Pratap Son of Late Raj Ranjan Pratap, resident of village and P.O.- Rajapur, Pasiwadh, P.S. Daraunda, District- Siwan.
 2. Manoj Kumar Pratap, Son of Late Raj Ranjan Pratap, resident of village and P.O.- Rajapur, Pasiwadh, P.S. Daraunda, District- Siwan.
 3. Madhup Kumar Pratap, Son of Late Raj Ranjan Pratap, resident of village and P.O.- Rajapur, Pasiwadh, P.S. Daraunda, District- Siwan.
 4. Mahip Ranjan Pratap, Son of Late Raj Ranjan Pratap, resident of village and P.O.- Rajapur, Pasiwadh, P.S. Daraunda, District- Siwan.
 5. Manjit Kumar Pratap, Son of Late Raj Ranjan Pratap, resident of village and P.O.- Rajapur, Pasiwadh, P.S. Daraunda, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat Building, Patna.
2. The Additional Chief Secretary, Department of Revenue and Land Reforms, Government of Bihar, Old Secretariat Building, Patna.
3. The District Magistrate, Siwan.
4. The Additional Collector, Siwan.
5. The Deputy Collector Land Reforms, Siwan.
6. The Circle Officer, Daraunda, Siwan.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Jai Vardhan Narayan, Advocate
For the Respondent/s : Mr.Government Advocate (07)

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 28-07-2026 Heard the parties.

2. The present petition has been preferred for the following relief/s:

*(i) That this Hon'ble Court be pleased to
issue an appropriate writ, order or direction
in the nature of Mandamus, thereby*



commanding the Respondent Collector, Siwan, to forthwith halt the ongoing construction work of the playground 'GRAM PASIWAD ME PICH SARAK KE KINARE KHEL MAIDAN KA NIRMAN KARYA', vide Estimate No. 0510013/AV/20464070 under the Mahatma Gandhi National Rural Employment Guarantee Act (MANREGA) Scheme, being executed on the petitioners' rayati land situated at Khata No. 172, Survey Plot No. 487, measuring 1 Bigha and 2 Kathas, out of which approximately 12 Kathas have already been encroached for the said construction, situated at Mauza Pasiwadh, Thana No. 566, District Siwan;

(ii) that this Hon'ble Court be further pleased to issue a writ in the nature of Mandamus, restraining the Respondents from continuing or initiating any form of encroachment or unauthorized construction upon the said rayati land of the petitioners under the guise of implementing the



MANREGA Scheme, merely on the ground that the land stands recorded in the Khatiyān as "Gair Mazarua Jer Peshgidar," despite the fact that Jamabandi in favour of the petitioners' ancestors—specifically Radha Pratap and others—was duly created in Mutation Case No. 4/1965 - 66 and has remained operative for several decades;

(iii) that this Hon'ble Court may graciously be pleased to issue an appropriate writ, order or direction in the nature of Certiorari, thereby setting aside the impugned order dated 12.10.2023 passed by the Additional Collector, Siwan, in Jamabandi Cancellation Case No. 116/2020-21, whereby Jamabandi No. 128 created in favour of the petitioners' ancestors pertaining to Khata No. 172, Survey Plot No. 487 was cancelled, and consequentially, Jamabandi Nos. 273 and 40—arising out of the said Jamabandi—were also annulled without adherence to due process of law;



(iv) that this Hon'ble Court may further be pleased to grant any other relief(s), writ(s), order(s), or direction(s) which the Petitioners may be found entitled to in the facts and circumstances of the case and in the interest of justice.

3. Learned counsel for the petitioners submits that during the pendency of the petition, the prayer nos. 01 and 02 have become infructuous and liberty be granted to agitate the prayer nos. 01 and 02. before the competent authority.

4. Learned State counsel has no objection to the said stand of the petitioner.

5. Granting said liberty, the writ petition is disposed of.

(Rajiv Roy, J)

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