

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15551 of 2025

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1. Shambhunath Choudhary Son of Late Bholanath Choudhary, Resident of Village- Makrampur, Ramauli, P.O. and P.S.- Bahera, District - Darbhanga.
 2. Bipin Kumar Chaudhary, Son of Ajit Chaudhary, Resident of Village- Makrampur, Ramauli, P.O. and P.S.- Bahera, District - Darbhanga.
 3. Ajeet Kumar Jha, Son of Ram Kalit Jha, Resident of Rajni Path, Near Manju Sinha Smirti Park, P.C.Colony, P.S.- Sampatchak, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector, Darbhanga.
2. The District Magistrate, Darbhanga.
3. The Block Development Officer, Benipur, District- Darbhanga.
4. The Circle Officer, Benipur Circle, District- Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar, Adv.
For the Respondent/s : Mr. Standing Counsel (23)

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 31-03-2026 Heard the parties.

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

(i) For issuance of an order, direction or writ including writ in the nature of Mandamus for issuance of order/direction to the respondents, specifically Respondent number 4 The Circle Officer, Benipur Circle, District-Darbhanga to stop the construction work with immediate effect upon the ancestral land of petitioners situated at Mauza Purshottampur alias Makrampur, having Khata number 80(old), 359(New)



Plot number 685(old) 1076(New), area about 64 decimal 14 Katha and 13 dhur, in absence of consent from petitioners or in absence of compliance of due process of law in form of acquisition.

(ii) For issuance of an order, direction or writ including writ in the nature of Mandamus commanding the respondents to not to disturb peaceful possession of petitioners without any document showing issuance of No Objection Certificate with respect to the subject property for initiation of construction work upon the said property.

(iii) For issuance of an order, direction or writ including writ in the nature of Mandamus commanding the respondents to compensate the petitioners against the soil excavation made on their land as well as against the destruction of the crops done by the respondent authorities for carrying out the construction work.

(iv) For the issuance of a declaration that the respondent authorities are not entitled to continue the construction or excavation of land by JCB machine upon the ancestral property of petitioners.

(v) For any other relief(s) to which the petitioner may be found entitled in the facts and circumstances of the present case.

3. A counter affidavit has come on behalf of the



respondent nos. 2 to 4 and learned State Counsel has taken this Court to paragraph 10 to 15 of its reply which read as under:

10. That the statement made in Para-6 of the writ petition it is stated that the C.S. Khatiyani is not available in Anchal Office to verify the statement of the petitioner.

11. That the statement made in Para-7 of the writ petition it is stated that the respondents have no knowledge about the alleged Sale Deed. Further no one had right to Sell or purchase the public land.

12. That the statement made in Para-8 of the writ petition it is stated that the petitioners had no interest with the land in question, hence they did not adopted recourse available under' Bihar Tenancy Act. Even they filed Title Suit in Civil Court very delayed and it was also dismissed in want of Prosecution. It shows that the petitioners have not interest and possession over the land in question. It is further submitted R.S. Entry is final and binding upon all.

13. That the statement made in Para-9 of the writ petition comment. requires no comment.

14. That the statement made in Para-10 of the writ petition it is stated that



the land is recorded as Anabad Bihar Government in R.S. Khatiyan. R.S. Khatiyan is final and binding.

15. That the statement made in Para-11 of the writ petition it is stated that the land is recorded in the name of Bihar Sarkar and it was found suitable for construction of Panchayat Sarkar Bhawan and hence NOC was issued by Circle Officer and construction has been started.

4. Learned counsel for the petitioner submits a restoration petition has been filed in the Title Suit No. 34 of 2018 before the Competent Civil Court and they shall ensure that the same is taken to its logical conclusion. Further, in the light of the counter affidavit filed on behalf of the respondents, appropriate steps shall also be taken to approach the appropriate revenue authority.

5. Recording the aforesaid facts and allowing the petitioner to act in accordance with law, the writ petition is disposed of.

(Rajiv Roy, J)

Vijay Singh/-

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