

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.893 of 2025

In
Civil Writ Jurisdiction Case No.9410 of 2025

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1. Chanup Lal Raut Son of Brijmohan Raut, Resident of Village- Bhelai, P.S.- Dhoriya, District- Banka.
 2. Sambhu Raut, son of Brijmohan Raut, Resident of Village- Bhelai, P.S.- Dhoriya, District- Banka.
 3. Manoj Raut, Son of Anuplal Raut, Resident of Village- Bhelai, P.S.- Dhoriya, District- Banka.
 4. Arun Kumar, son of Maheshwari yadav, Resident of Village- Bhelai, P.S.- Dhoriya, District- Banka.
 5. Pritam Kumar Singh, Son of Lal Mohan Singh, Resident of Village- Mahammadpur, P.O- Jagatpur, P.S.- Panjwara, District- Banka.

... .. Appellant/s

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Panchayati Raj, Government of Bihar, Patna.
3. The District Collector, Banka, P.S.- Banka, District- Banka.
4. The Deputy Development Commissioner, Banka, P.S.- Banka, District- Banka.
5. The District Panchayat Raj Officer, Banka, P.S.- Banka, District- Banka.
6. The Deputy Collector, Land Reforms, Banka, P.S.- Banka, District- Banka.
7. The Circle Officer, Dhoriya, Banka.
8. The Block Development Officer, Dhoriya Banka.
9. The Block Panchayati Raj Officer, Dhoriya, Banka.
10. The Panchayat Secretary, Gram Panchayat, Bhelai, Block- Dhoriya, District- Banka.
11. Smt. Karuna Devi, Mukhiya Gram Panchayat Raj, Bhelai Block Dhoriya, P.O- Sondiha, Babhangama, P.S.- Dhoriya, District- Banka, Pin Code- 813123.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Bijendra Kumar Singh, Advocate
For the Respondent/s	:	Government Advocate (5)

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)



Date : 20-01-2026

This Letters Patent Appeal has been filed, challenging the order dated 10.07.2025 passed by the learned Single Judge in CWJC No. 9410 of 2025.

2. The writ petition was filed seeking for the following reliefs:-

“1.(A) For issuance of a writ in nature of Certiorari quashing the order passed by the Collector, Banka vide memo No.434/25 dated 25.02.2025, on the representation filed by the petitioners pursuant to order passed by the Hon'ble High Court in CWJC No.7622/2023 on 19.12.2023 rejected the claim of the petitioners on the basis of collusive and interested report of the Circle Officer, Dhoraiya.

(B) For issuance of writ in nature of Mandamus commanding the respondents to construct Panchayat Sarkar Bhawan of the Gram Panchayat, Bhelay under Block-Dhoraiya, District-Banka be constructed the headquarter of the Gram Panchayat at Village-Bhelay on either the government land available bearing Khata No.67, Khesra No.6633, Area-6A, 33 decimal or on land bearing Khata No.66, Khesra No.695, Area-1 Acre 63 decimal belongs to petitioners and his family member ready to denote the same to the Governments.”

3. The learned Single Judge, after hearing the learned counsel for both the parties and taking into account the order dated 23.04.2025 passed in CWJC No. 6639 of 2025, which was earlier filed by the petitioner seeking for self same relief and it



was dismissed on merit, has been pleased to hold as follows:-

“4. From a careful reading of the aforesaid order, it is clear that all aspect of the matter relating to construction of Panchayat Sarkar Bhawan of Gram Panchayat Raj, Bhelai, Block-Dhoraiya, District-Banka has already been considered by this Court and the case of the petitioners was dismissed on merit relying on the order dated 23.02.2024 passed by Division Bench of this Court in C.W.J.C. No. No.3280 of 2024. The question, therefore, arises that when all issues relating to construction of Panchayat Sarkar Bhawan of Gram Panchayat Raj, Bhelai, Block-Dhoraiya, District-Banka has already been considered and dismissed on merits then whether the same set of petitioners can be permitted to re-agitate the same issue in the present writ application, particularly when no liberty was granted to the petitioners to re-agitate the same issue on a new ground which could have been taken in the earlier writ application.

*5. In the case of **Daryao & Ors. vs. The State of U.P. & Ors.** reported in **1962 SC Reports 574**, it has been clearly held that when a writ petition has been dismissed on merits then the dismissal of the writ petition will create a bar against filing of another writ for re-agitating the same issue.*

6. In view of the aforesaid law laid down by the Hon'ble Supreme Court the present writ application for re-agitating the same issue which has already been considered and decided on merit in C.W.J.C. No. 6639 of 2025 cannot be held to be maintainable.

7. Learned Senior Counsel appearing for the petitioner while responding to the above objection of the respondents-State submitted that in the earlier writ application the petitioners had not challenged the decision of the District Collector, Banka dated 25.02.2025 and therefore in the



present writ application the petitioners are re-agitating the same issue by new challenging the said decision of the District Collector, Banka and therefore, the writ petition should be entertained. This argument is being noted only to be rejected for the reasons that the decision of the District Collector, Banka dated 25.02.2025 could have been challenged in the earlier writ petition bearing C.W.J.C. No. 6639 of 2025, which the petitioners did not choose to do. Being barred by constructive re-judicata the petitioners cannot be permitted to challenge the order of the District Collector, Banka in the present writ application. Further, while dismissing the earlier writ petition no liberty was granted to the writ petitioners to re-agitate the same issue by challenging the order of the District Collector, Banka dated 25.02.2025. In absence of any liberty having been granted to the petitioners, the petitioners in the present writ application cannot be permitted to assail the order of the District Collector, Banka.”

4. The fact remains that when the self same prayer of the petitioner has been turned down by the Division Bench of this Court in ***CWJC No. 3280 of 2024 (Krishna Deo Kumar vs. The State of Bihar & Ors.)*** and the judgment has attained finality, entertaining another writ petition for the self same prayer is not permissible in the eyes of law and we are of the view that there is no perversity in the impugned order passed by the learned Single Judge so as to be corrected in this Letters Patent Appeal.

5. We are proposing to impose heavy cost on the petitioners for filing such type of frivolous writ petitions before this Court



and again this Letters Patent Appeal and for which the valuable time of the Court is being wasted, however with warning to the petitioners to refrain from such activities in future, we are dismissing this Letters Patent Appeal.

(Sangam Kumar Sahoo, CJ)

(Mohit Kumar Shah, J)

S.Sb/-

AFR/NAFR	
CAV DATE	N/A
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