

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.4454 of 2024

In
Civil Writ Jurisdiction Case No.10267 of 2023

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- 1.1. Vimla Devi W/o Late Surendra Mahto R/o Village and Post Mathurapur, P.S.- Khagaria, District- Khagaria
 - 1.2. Ranjeet Kumar S/o Late Surendra Mahto R/o Village and Post Mathurapur, P.S.- Khagaria, District- Khagaria
 - 1.3. Jitendra Kumar S/o Late Surendra Mahto R/o Village and Post Mathurapur, P.S.- Khagaria, District- Khagaria
 - 1.4. Sunita Devi D/o Late Surendra Mahto, W/o Pawan Dev Mahto, R/o Village Post-Wazitpur Pidhauri, P.S.- Teghra, District- Begusarai-851133
 - 1.5. Puneeta Devi D/o Late Surendra Mahto, W/o Hareram Kumar, R/o Village-Khatopur, Post- Mirjapur Bandhar, P.S.- Mufassil, District- Begusarai-851129
 - 1.6. Neha Kumari D/o Late Surendra Mahto, W/o Nand Kishore Mahto, R/o Village- Ratanpur, P.S. and District- Begusarai-851101

... .. Petitioner/s

Versus

1. The State of Bihar through Sri Amrit Lal Meena, the Chief Secretary, Govt. of Bihar, Patna.
2. Sri Amit Kumar Pandey, The District Magistrate, Khagaria,
3. Sri Amit Anurag, The Sub Divisional Magistrate, Khagaria.
4. Sri Brajesh Kumar, The Anchal Adhikari, Khagaria.
5. Sri Saroj Kumar, The Executive Engineer, PHed Division, Khagaria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Priyanshu Ranjan, Advocate
For the Opposite Party/s : Mr. Navnit Kumar, AC to GP 18

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

7 03-07-2026 Heard Mr. Priyanshu Ranjan, learned counsel for the

petitioners and Mr. Navnit Kumar, learned counsel for the

Opposite Party.

2. The present contempt petition has been filed in

non-compliance of the order dated 02.07.2024 passed in CWJC



No. 10267 of 2023. Order dated 02.07.2024 is quoted hereinbelow:-

"Heard the learned counsel for the petitioner and the learned counsel appearing on behalf of the respondents.

2. The present writ petition has been filed for directing respondent no. 6 to remove the water tank constructed over the part of Khata No. 453, Khesra No. 924, area 7 Katha 7 Dhur under the Nal Jal Yojna scheme. The land in question belongs to the petitioner. In fact, initially the said scheme was sanctioned for the Khata No. 453, Khesra No. 929 area 7 Dhur situated in Mathurapur Panchayat Ward No. 8, but instead of concerned water tank on Khesra No. 929, the same has been constructed on Khesra No. 924, which belongs to the petitioner. Apart from that, the Anchal Amin has already sent a report to the Circle Officer on 22.04.2022 that construction is going on in Khesra No. 924 instead of 929. But, no action has been taken by the respondent authority. Thereafter, the petitioner had filed a legal representation dated 14.12.2021 (Annexure-7), which is still pending for consideration before the District Magistrate, Khagaria.

3. In view of the aforesaid, the present writ petition is disposed of with a direction to respondent no. 2 (District Magistrate, Khagaria) to dispose of the representation of the petitioner, which is pending since 14.12.2021, within a period of six weeks from the date of production of copy of this order and the decision taken by the District Magistrate, Khagaria shall be communicated to the petitioner within the aforesaid period.

4. Accordingly, with the aforesaid direction, the writ petitioner stands disposed of."

3. Learned counsel for the petitioners submits that despite direction of this Court, the work at the site is still in progress and the authority concerned has not stopped the work



in question.

4. A supplementary show cause has been filed on behalf of the Respondent State of which relevant paragraphs are quoted hereinbelow:-

"5. That it is humbly submitted that in compliance of the order dated- 02.07.2024 passed in CWJC no.- 10267 of 2023, the answering Opposite Party no.-2 has heard the case of the original petitioner namely Surendra Mahto earlier. However, due to the demise of Surendra Mahto, on several dates, the final hearing of the case no.- 03/2024-25 could not be done. It is pertinent to mention here that the District Magistrate, Khagaria, in compliance of the aforesaid order and order dated 10.04.2026 and 15.05.2026 passed in the present contempt application has decided the case of the petitioners vide order dated- 26.06.2026 passed in case no.-03/2024-25.

6. That it is most humbly submitted that pursuant to the directions issued by this Hon'ble Court in CWJC No. 10267 of 2023 vide order dated 02.07.2024, the District Magistrate, Khagaria registered Miscellaneous Case No. 03/2024-25 titled "Surendra Mahto Vs. State (Public Health Engineering Department, Khagaria)" and proceeded to adjudicate the grievance raised by the original writ petitioner. During the pendency of the proceeding, the original petitioner namely Surendra Mahto expired on 01.02.2025 Thereafter, his legal heirs namely Ranjit Kumar and Jitendra Kumar filed an application seeking substitution and were impleaded as parties in the proceeding and were afforded full opportunity of hearing.

7. That it is humbly submitted that in compliance of the directions of this Hon'ble Court, detailed reports were called for from the Executive Engineer, Public Health Engineering Division, Khagaria as well as from the Circle Officer, Khagaria. The matter was heard at length after considering the pleadings, reports, revenue records and submissions advanced on behalf of all concerned parties. Upon examination of the records, it



was found that the water tank constructed under the Nal-Jal Scheme stands over Khesra No. 924 which is recorded as Gairmazarua Khas land. It was further found that the petitioner or his predecessors-in-interest had failed to produce any legally admissible document establishing settlement, title or lawful ownership over the disputed land. The claim of the petitioner was based primarily upon Jamabandi No. 145, however upon verification of Register-II, it was found that neither the Khata nor Khesra number of the disputed land was reflected therein and the basis of creation of the said Jamabandi was also not ascertainable.

8. That it is further humbly submitted that the learned District Magistrate, Khagaria, after considering all the materials available on record, recorded a categorical finding that the disputed land is Government Gairmazarua Khas land and that mere existence of a Jamabandi does not constitute proof of title. It was further held that neither the original petitioner nor his legal heirs had been able to establish any lawful right, title or interest over the land on which the NalJal Scheme structure has been constructed and accordingly, the claim made by the petitioner was rejected and liberty was granted to the legal heirs of the petitioner to seek adjudication of any alleged title before the competent Civil Court, if so advised."

5. From perusal of the aforementioned quoted paragraphs it appears that the order of this Court has been complied with and the claim of the original petitioner which was mentioned in his representation was duly considered by the authority concerned and a reasoned and speaking order has been passed by the competent authority (Annexure-R/B of the supplementary show cause).

6. Considering the aforesaid facts and circumstances



of the case, no case is made out by the parties for initiating contempt.

7. Accordingly, the present contempt petition stands disposed of.

8. If the petitioner feels aggrieved by the order passed by the authority concerned, he may assail the same before the competent Court of law.

(Rajesh Kumar Verma, J)

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