

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.652 of 2026

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1. Chandeshwar Prasad S/o Late Vishwanath Sah @ Vishwanath Sahu @ Vishwanath Prasad, resident of Village-Gidarganj, Panchayat-Ojhau, Mauja-Baluahi, Circle and P.S.-Bahadurpur, P.O.-Laheriasarai, District-Darbhangha.
 2. Vindeshwar Prasad Vimal, S/o Late Vishwanath Sah @ Vishwanath Sahu @ Vishwanath Prasad, resident of Village-Gidarganj, Panchayat-Ojhau, Mauja-Baluahi, Circle and P.S.-Bahadurpur, P.O.-Laheriasarai, District-Darbhangha.
 3. Ganesh Kumar, S/o Late Vishwanath Sah @ Vishwanath Sahu @ Vishwanath Prasad, resident of Village-Gidarganj, Panchayat-Ojhau, Mauja-Baluahi, Circle and P.S.-Bahadurpur, P.O.-Laheriasarai, District-Darbhangha.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Rural Works Department, Govt. of Bihar, Patna.
3. The Collector, Darbhanga.
4. The Superintendent of Police, Darbhanga.
5. The D.D.C., District-Darbhangha.
6. The District Land Acquisition Officer, Darbhanga.
7. The Sub-Divisional Magistrate, District-Darbhangha.
8. The Circle Officer, Bahadurpur, District-Darbhangha.
9. Nikki Kumari, Mukhiya of Gram Panchayat Ojhau, W/o Suraj Kumar, resident of Village-Ganipur, Baluahi, Circle and P.S. Bahadurpur, P.O.-Laheriasarai, District-Darbhangha.
10. The B.D.O., Bahadurpur, District-Darbhangha.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Purnendu Keshav, Advocate
For the Respondent/s	:	Mr.Standing Counsel 26
For respondent no.09	:	Mr. Kedar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

6 21-07-2026

Heard the parties.

2. The present petition has been preferred for the



following relief/s:

(i) for issuance of a Writ in the nature of Mandamus or any other appropriate Writ, Order, or Direction, commanding the Respondent Nos. 3, 7, and 8 (The Collector, SDM, and CO) to immediately stop / stay the ongoing construction of the concrete (PCC) road and ancillary structures, and thereafter demolish the illegal construction carried out by Respondent No. 9 (The Mukhiya) on the Petitioners' private land in Mauza Balushi, as described in Schedule A hereunder;

(ii) for issuance of a Writ in the nature of Certiorari to quash any and all administrative orders, resolutions, actions, or permissions, if any, granted by any of the Respondents that purport to authorize the illegal encroachment and construction on the Petitioners private land;

(iii) for issuance of a direction to the Respondent No. 9 (Mukhiya) and the Gram Panchayat to permanently refrain and desist



from interfering with the Petitioners' peaceful possession and enjoyment of the property or from taking any steps whatsoever to dispossess the Petitioners on the basis that the power of eminent domain is not vested in the Gram Panchayat under the Bihar Panchayat Raj Act, 2006;

(iv) for issuance of a direction to the concerned Respondents to restore the peaceful possession of the land to the Petitioners in its original state prior to the commencement of the illegal construction/encroachment;

(v) for issuance of a Declaration that the action of Respondent No. 9 in forcibly entering and constructing on the Petitioners' private land without following the due process of acquisition under the Land Acquisition, Rehabilitation and Resettlement Act, 2013(hereinafter referred to as LARR Act, 2013), is illegal, arbitrary, ultra vires the restricted powers of the Mukhiya under



the Bihar Panchayat Raj Act, 2006, and violative of the Petitioners' fundamental and constitutional right to property guaranteed under Article 300A of the Constitution of India;

(vi) for issuance of pass any other Writ, Order, or Direction as this Hon'ble Court may deem fit and proper in the interest of justice.

3. After some argument, learned counsel for the petitioner submits that they may be allowed to agitate the matter before an appropriate forum/Court for the redressal of the grievance.

4. The respondents have no objection. .

5. In that background, liberty is granted to the petitioner to approach the appropriate forum/Court for the redressal of the grievance.

6. The writ petition is disposed of with the aforesaid observation.

(Rajiv Roy, J)

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