

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.244 of 2026**

Tabassum Perween @ Tabassum Pravin Wife of Baktarul Haque Laskar and  
Daughter of Late Syed Wasi Ahmad, Resident of Village- Mugrain, Dariaura  
(Babhandih), Police Station - Amas, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through its Secretary and Land Reforms Department,  
Revenue Bihar, Patna.
2. The Additional Chief Secretary, Revenue and Land Reforms Department,  
Bihar, Patna.
3. The Principal Secretary, Revenue and Land Reforms Department, Bihar,  
Patna.
4. The District Magistrate-cum-Collector, Gayaji.
5. The Additional Collector, Gayaji.
6. The Sub Divisional Officer, Sherghati, Gayaji.
7. The Deputy Collector, Land Reforms Sherghati, Gayaji.
8. The Circle Officer, Amas, Gayaji.

... .. Respondent/s

**Appearance :**

|                      |   |                                                                                               |
|----------------------|---|-----------------------------------------------------------------------------------------------|
| For the Petitioner/s | : | Mr. D.K. Sinha, Sr. Advocate<br>Mr. Mohammad Abu Haider, Advocate<br>Md. Abu Shajar, Advocate |
| For the State        | : | Md. Sajid Salim Khan, SC-25<br>Md. Arif Daula Siddiqui, AC to SC-25                           |

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

4      30-03-2026                      Heard Mr. Devendra Kumar Sinha, learned Senior  
  
Counsel duly assisted by Md. Abu Haider for the petitioner and  
  
Md. Arif Daula Siddiqui for the State.

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

*(i) for restraining the official respondents,  
and their contractor from making*



*construction over the raiyati land of petitioner and others appertaining to Khata No. 55, Khesra No. 224, area 1.275 decimals, upon which the Respondents concerned have been forcibly making construction of a Government Office without following the due process of law, either a Land Acquisition Proceeding or taking consent from the petitioner and others. The land under dispute is raiyati land of petitioner and others and till date Jamabandi of the said land and other lands are standing in the name of ancestor of petitioner and others namely Late Khairunissa;*

*(ii) for direction upon the respondents to remove the construction if any, already made upon the said land of petitioner and others till date. and also hand over the land in vacant possession to the petitioner;*

*(iii) for any other relief(s) for which petitioner is found to be entitled on the facts*



*of this case and also in the eye of law.*

3. The petitioner claims to be owner of a piece of land with the following details:

*khata no. 55, kheshra no. 224*

*are-1.275 decimals in the Amas circle, Gaya.*

4. The claim is that on the land in question, the government is moving ahead for the construction of 'Panchayat Sarkar Bhawan' .

5. As an after thought and by way of rejoinder, documents which should have been part of the writ petition has been brought on record to show that a Title Suit No. 150 of 2016 is pending before a competent Civil Court, Sherghati, Gaya and further, the contention is that though some rent receipts are also there but the government ignoring the same and is moving ahead for the construction.

6. A counter affidavit has come on behalf of the respondent nos. 04 to 08 and the learned State counsel has taken this Court to paragraphs 05 to 09 which read as follows:

*5. that it be submitted that claim of the petitioner is only over an area of 1.275 decimal. It is pertinent to note that one*



*Khairu Nisha, W/o Rashid Ahmad had filed a petition for measurement of land on the basis of her alleged sale deed. Accordingly, by the order of Anchal Adhikari, Amas, the land was measured by the Anchal Amin in accordance with the boundary mentioned in the deed. It is submitted that per boundary mentioned in the deed, the land of Khairunisha comes to 66 decimal only, which was demarcated by the Anchal Amin;*

*6. that it is also submitted that the Land over which Panchayat Sarkar Bhawan is being constructed is a part and parcel of Plot No. 224;*

*7. that it is also submitted that the Anchal Adhikari, Amas also made spot inspection, and found that the land is of Gair Mazarua Malik Khata. But, during spot inspection none produced any Return for the alleged settlement. Only*



*petitioner Tabassum Pravin came forward claiming a part of the land on the basis of alleged settlement. However, the land claimed by petitioner Tabassum Pravin was demarcated by the Anchal Amin, which is a distinct portion, than the land over which Panchayat Sarkar Bhawan is constructed;*

*8. that in view of the aforesaid facts, the petitioner is not entitled for the reliefs as sought in Para-1(i to iii) of the writ petition;*

*9. that with regard to Para-2 (i & ii) of the writ petition it is to submit that the petitioner owns and possess only a fraction of the total area of the plot. Further, no construction is being made over the part of land claimed by the petitioner. Therefore, alleged land of the petitioner by the question of any encroachment over the alleged land of*



*the petitioner by the answering respondents, does not arise.*

6. The stand of the State Government is very clear -the area of 0.66 decimals has been measured/carved out and the 'Panchayat Sarkar Bhawan' is being constructed on the other part of the khata no. 55, kheshra no. 224 which has an area of more than 0.66 decimals of land.

7. Though, the rejoinder filed by the petitioner to the counter affidavit only records that it is misconceived, nothing is there in support of the specific contention put forward by the State Government.

8. Learned Senior Counsel for the petitioner submits that the Title Suit is pending since the year 2018 and now that the State has come up with a plea that 0.66 decimals of land has been carved out, they be allowed to take the matter to its logical conclusion in the competent Civil Court so far as the Title Suit is concerned.

9. The learned State counsel has no objection.

10. In that background, recording the aforesaid facts, the contention of the State Government as per the counter affidavit and expecting the Title Court to take the matter to its logical conclusion since already, eight years have lapsed, the



writ petition is disposed of.

11. All the parties appearing in the Title Suit will have the liberty to put forward their views. Thereafter, the matter will be taken to its logical conclusion.

12. The petitioner will be free to raise all the points including grant of interim protection before the competent Civil Court.

13. The writ petition is disposed of.

**(Rajiv Roy, J)**

Ravi/-

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