

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CIVIL WRIT JURISDICTION CASE NO. 5268 OF 2020**

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Krishna Kumar Jha, Male, aged about 40 years, son of late Ramakant Jha,  
resident of Village Bagahi, Tole Baradih, P.S. Runni Saidpur, Dist. Sitamarhi.  
... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
2. The Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
3. The Collector, Sitamarhi.
4. The Panchayat Raj Officer, Sitamarhi.
5. The Block Development Officer, Runni Saidpur, Dist. Sitamarhi.
6. The Circle Officer, Runni Saidpur, Dist. Sitamarhi.
7. The Gram Panchayat Raj, Bagahi Ram Nagar, P.S. Runni Saidpur, Dist. Sitamarhi through its Secretary.
8. The Mukhiya, Gram Panchayat Raj, Bagahi Ram Nagar, P.S. Runni Saidpur, Dist. Sitamarhi.

... .. Respondent/s

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**Appearance:**

For the Petitioner/s	:	Mr. Vaidehi Raman Prasad Singh, Adv.
For the State	:	Mr. Manish Kumar, GP-4

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**CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY  
ORAL ORDER**

2            30.04.2020            Heard learned counsel for the parties.

The present writ application has been filed for quashing the letter no. 1314 dated 26.9.2019 (Annexure-2) issued by Circle Officer, Runni Saidpur by which “No Objection” has been granted for construction of Panchayat Sarkar Bhavan over R.S.P. No. 2849 situated in Village Bagahi within Bagahi Ram Nagar Panchayat, P.S. Runni Saidpur, Dist. Sitamarhi.



In this writ application, the petitioner has made a statement that his grandfather late Punit Jha was the soldier in Indian Army who had applied for settlement of the land standing in the name of the Government and, for that, Settlement Case No. 1 of 1964-65 was started before the Block Development Officer, Runni Saidpur for settlement of C.S.P. No. 442 (R.S.P. No. 1589) measuring 1.04 acres, C.S.P. No. 1341 (R.S.P. No. 2849) measuring 1.54 acres and C.S.P. No. 1343 (R.S.P. No. 2808) measuring 2.00 acres situated in Village Bagahi, P.S. Runni Saidpur, Dist. Sitamarhi. The application was processed accordingly recommended for settlement of land, in turn, the Land Reforms Deputy Collector, vide order dated 13.4.1965, also recommended for settlement and, ultimately, the Collector, Sitamarhi settled the land even after objection raised by the Mukhia of the Gram Panchayat.

Learned counsel for the petitioner submits that the petitioner is in possession of the land. He further submits that recently the Mukhia of the Gram Panchayat has selected the land measuring 1.54 acres of land from the said land for the purpose of



construction of Panchayat Sarkar Bhavan.

As per learned counsel for the petitioner, the land has been settled in the year 1965. At that time, the Mukhia of the village had raised objection which was not entertained and, thereafter, the order was passed by the Collector. He further submits that he is getting the rent receipt from the State of Bihar which shows the possession of the petitioner over the land, in question.

Learned counsel for the petitioner submits that for last 15-20 years, the said land was under the water and was not fit for cultivation but, for the present, it is not in dispute that the land is out of water and the same is under his possession. When the petitioner could know about the settlement, he raised the grievance and has already filed a representation before the Collector, Sitamarhi wherein he has given details of the fact and has requested to look into the matter and take a decision in accordance with law.

Learned counsel for the State submits that the documents attached by the petitioner has not brought settlement document to substantiate the settlement of the land nor brought on record any rent receipt and, thus, the claim of the petitioner is not sustainable in



law.

In reply, learned counsel for the petitioner submits that he has made a categorical statement in the writ application that, as and when required, he will produce the same.

In that view of the matter, as the representation filed by the petitioner before the Collector, Sitamarhi is pending as yet, this Court directs the Collector, Sitamarhi to dispose of the same by passing a reasoned order after hearing both the parties within a period of six months from the date of receipt/production of a copy of this order.

This Court further directs that no construction will be made over the land, in question, till final disposal of the representation filed by the petitioner before the Collector, Sitamarhi.

With the aforementioned observation and direction, this writ application is disposed of.

**(Shivaji Pandey, J)**

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