

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.7953 of 2026**

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Uttam Jha son of Krishandeo Jha, resident of village- Bhawanipur, P.O.-  
Pathakdih, P.S.- Amdanda (Sanhaua), District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Rural Works Department, Government of Bihar at Patna.
2. The Secretary, Rural Works Department, Government, Government of Bihar at Patna.
3. The Executive Engineer, Rural Works Department, Work Division Kahalgaon, Bhagalpur.
4. The District Magistrate cum Collector, Bhagalpur.
5. The Circle Officer, Sanhaua, Kahalgaon, Bhagalpur.
6. The Panchayat Secretary, Gram Panchayat Boda Pathakdih, Block-Sanhaua, District- Bhagalpur.
7. The Mukhiya, Gram Panchayat Boda Pathakdih, Block-Sanhaua, District-Bhagalpur.
8. The Officer in Charge, Amdanda Police Station, Bhagalpur.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Diwakar Upadhyaya, Adv.  
For the Respondent/s : Mr. Arvind Ujjwal, SC-4  
Mr. Upendra Pratap Singh, AC to SC-4

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**CORAM: HONOURABLE MR. JUSTICE RANA VIKRAM SINGH**  
**ORAL JUDGMENT**

**Date : 01-07-2026**

Heard learned counsel for the respective parties.

2. The instant case is another glaring example of the style of functioning of the District Administrative authorities which purportedly discharge their duties in accordance with the law, but as per their whims and fancies.

3. The land of the petitioner situated on Khata No. 395 (New)/101 (Old), Khesara No. 1022 (New)/758 (Old),



Mouza – Bhawanipur, Revenue Thana No. 488, Anchal – Sanhaura, District – Bhagalpur is Raiyati land over which his family has been coming in possession since long back.

4. The learned counsel for the petitioner submits that in the year 1976 during survey, on account of clerical mistake in the Khatian in place of petitioner's ancestor's name, the name of Bihar Sarkar has been shown to be **as owner** of the land. The moment petitioner came to know about this, he filed title suit bearing Title Suit No. 24/2006 for declaration of his right, title, interest and possession thereof and also for correction of the wrong entry made in the survey in the column of land holder's name. Learned Munsif 1<sup>st</sup> Bhagalpur by judgment and decree dated 21.10.2009 and 06.11.2009 dismissed his suit, whereafter he preferred an appeal by filing a Title Appeal No. 123/2009, which was heard and allowed by 2<sup>nd</sup> Additional District Judge, Bhagalpur under judgment and decree dated 12.12.2017 and 23.12.2017 respectively.

5. The learned Additional District Judge has categorically held that the land belongs to the family of petitioner and it is their Raiyati land over which they have been coming in possession, but on account of mistake in the survey of 1976, a wrong entry has been made replacing the name of the



petitioner by the name of Bihar Sarkar in the column of land holders for which the State Government could not produce any documents disentitling the petitioner from claiming the right, title and possession over the suit land. Accordingly, the 1<sup>st</sup> Appeal was allowed in favour of the petitioner and as submitted that has not been assailed by the State Government, thus it has attained finality.

6. He further submits over this piece of land taking undue advantage of the wrong entry made in the khatian, respondent nos. 6 and 7 allowed the construction of a village road in spite of objection and protest by the petitioner. Alarmed by such an act of respondent nos. 6 and 7, the petitioner filed a representation on 08.11.2017 before the Executive Engineer, R.W.D., Works Division Kahalgaon, Bhagalpur but no action was taken thereon. Further he again represented respondent no. 3 on 26.11.2020 highlighting the highhandedness of the respondent nos. 6 and 7, but this representation has also fallen on deaf ears.

7. It has been submitted by the learned counsel for the petitioner that thereafter he filed several representations right from the District Magistrate, Bhagalpur to all the authorities concerned, but, none of the district authorities paid any heed to



his representations. He further submits without acquiring his Raiyati land, respondents have allowed the construction of village road on the same which infringes his legal and statutory right to possess his land in a peaceful manner, which also amounts to interfering in the peaceful possession of the land in question. A categorical statement has been made in the writ application that till date the village road is being constructed further without resorting to the process of acquisition of his Raiyati land.

8. Mr. Arvind Ujjwal, learned counsel appearing on behalf of the State duly assisted by Mr. Upendra Pratap Singh, learned counsel submits that though from record it appears that the land belongs to petitioner's family, but initially he lost his case preferred against the construction of road and rectification with respect to wrong entry made in the khatian during 1976 survey from the Court of learned Munsif, so the authorities proceeded with the construction of road under reasonable belief that the land on which village road was being constructed, belongs to the State of Bihar. He also points out that the petitioner succeeded in appeal in December, 2017, whereby the Additional District Judge, Bhagalpur has allowed his appeal and passed judgment in his favour holding him to be the Raiyat



of the land in question, but the petitioner filed representation before the authorities one month prior to the aforesaid judgment. That is why it was not taken note of in view of the judgment passed by the Munsif, dismissing the suit of the petitioner.

9. Having heard the learned counsels on behalf of the petitioner and the State and having gone through the documents placed on record, especially, the judgment of the learned Additional District Judge 2, Bhagalpur and other relevant representations annexed/appended thereto with the writ application, it becomes manifestly evident that petitioner is the raiyat of the land i.e., Khata No. 395, Khesara No. 1022, area 01.29 decimals, situated in mouza- Bhawanipur, Revenue Thana No. 488, Anchal- Sanhaura, District- Bhagalpur in question. After the judgment of the competent Court there remains no dispute with respect to right, title, possession and interest over the suit land.

10. Further, it is also evidently manifest that village road is being constructed over the Raiyati land of the petitioner without even following the due process of the acquisition of the aforesaid land. The law mandates that the State being sovereign has authority over all the land within its territorial jurisdiction, but it can acquire any piece of land for the purposes of public



and social welfare for providing amenities and benefits to the people at large, only after complying the legal process has been laid down for the same and that process cannot be given a go-bye without even giving any plausible and reasonable explanation for the same.

11. In the instant case without giving any kind of notice to the petitioner, the respondent nos. 5 and 6 started constructing village road over his Raiyati land which appears to be totally against the settled principle of law. When the petitioner filed representations highlighting this illegal act of the respondents, even the higher authorities of the district did not pay any heed to it and by this conduct they impliedly supported the respondent nos. 5 and 6 and other persons to get the village road constructed over Raiyati land of the petitioner which amounts to gross violation of the petitioner's legal and statutory right.

12. It also becomes clear from the documents and arguments advanced on behalf of the petitioner that neither the land has been acquired nor compensation has even been paid to him. When the land has not been acquired following the due process then there arises no question of payment of any compensation. It also smacks off the highest degree of



arbitrariness on the part of the respondents.

13. In this backdrop, the Court deems it appropriate to issue a necessary direction to the District Magistrate, Bhagalpur to look into the matter personally without delegating the power to other officer and conduct the proceeding him/ herself and get the matter enquired at the ground level which must be examined and cross-examined and duly verified and authenticated from the relevant revenue records and the judgment and decree of the competent Court and only thereafter the District Magistrate shall pass a proper and positive order adjudicating and determining the rights and claims of the petitioner and if in that course, need arises to hear any of the person concerned including the respondents as well as the petitioner, the District Magistrate, Bhagalpur will issue proper notice and after having heard all the parties concerned will take a decision in the matter. If a conclusive finding with respect to the genuineness of the claims of the petitioner is found then all possible measures available through the law must be resorted to by the District Magistrate in order to ameliorate the grievances of the petitioner including passing of necessary order of acquisition of the land over which village road has already been constructed and further the District Magistrate will ensure that no further village road is



constructed on the Raiyati land of the petitioner without proper acquisition of the same and that too after having paid the compensation amount thereof.

14. All this exercise must be concluded within a period of three months henceforth and all sequel orders giving consequential benefits must be followed by a reasoned and speaking order passed by the District Magistrate.

15. With these directions, the writ application is disposed off.

16. All pending interlocutory application(s), if any, stand/s disposed off.

**(Rana Vikram Singh, J)**

Supratim/  
Smriti-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.07.2026
Transmission Date	NA

