

GA12
4/9/14

IN THE HIGH COURT OF JUDICATURE AT PATNA

(Civil writ Jurisdiction)

C.W.J.C.No. _____ of 2014

Narash Kumar petitioner.

Versus

The State of Bihar & ors... Respondents.

sub : PIL

I N D E X

<u>Sl.Nos.</u>	<u>D o c u m e n t s.</u>	<u>Page Nos.</u>
1.	Writ application with Affidavit.	1 to 11.
2. Annexure-1 :	A true/photocopy of the sale deed dt. 02.12.2000.	12-14
3. Annexure-2 :	A true/photocopy of the letter dt. 13.8.14.	15
4. Annexure-3 :	The true/photocopy of representation dated 22.8.14.	16
5. Annexure-4 :	The true/photocopy of representation dated 24.8.14.	17-18
6. Annexure-5 :	The true/photocopy of representation dated 22.8.14.	

WAKALATNAMA.

IN THE HIGH COURT OF JUDICATURE AT PATNA

(Civil writ Jurisdiction)

C.W.J.C.No. _____ of 2014

Narash Kumar petitioner.

Versus

The state of Bihar & ors... .. Respondents.

S Y N O P S I S

That the present writ petition in the nature of public Interest Litigation is preferred by the instant petitioners for the following reliefs :-

- (1) For direction upon the respondents to take appropriate steps towards the construction of Gram-Panchayat Sarkari Shewan at Mougma under girwa Madheili Gram Panchayat, P.S. Shankarpur, District-Madhepura as the said village-Mougma is the central place of the said Gram-Panchayat.

ii.

- (ii) For restraining the respondents from construction of the said building at Madhaili which has not been proposed/~~resolved~~ resolved in the meeting of Am Sabha of the Gram Panchayat.
- (iii) For declaration that the village Mougma under zirwa-Madhaili Gram Panchayat P.S.Shankarpur, District-Madhepura is the suitable place for Panchayat Sarkari Bhawan.
- (iv) For any other relief(s) / direction(s), order(s), writ(s) to which petitioner may be found entitled in the fact and circumstances of the case.

List of dates in chronological order

- 2.12.2000 - One Anmol Yadav executed sale deed for the purpose of panchayat Bhawan.
- 13.9.14 - The A.D.M.Madhepura wrote a letter to C.O. Shankarpur, regarding transfer of Govt. land in favour of sarkari Bhawan.

111.

18.8.14 - Am Sabhe of the Panchayat resolved that Mouzma is the suitable place for the said building / purpose.

22.8.14 - The Mukhiya of the Panchayat represented before the Dy. Collector, Madhepura for registration of land.

24.8.14 - The Mukhiya of the Gram Panchayat represented the D.M., Madhepura for free registration of sale deed.

- The respondents are sitting tight over the matter.

Hence this writ petition.

IN THE HIGH COURT OF JUDICATURE AT PATNA

(Civil writ Jurisdiction)

C.W.J.C.No. _____ of 2014

In the matter of an

application filed under

Article 226 and 227 of

the Constitution of India,

A n d

In the matter of :-

Naresh Kumar Son of Late Kameshwar Prasad Yadav,

resident of village-Mousma, P.S. Shankarpur,

District Madhepura.

... .. Petitioner.

Versus

1. The State of Bihar through the Chief secretary,

Old secretariat, Bihar, Patna;

2. The principal secretary, Panchayat Raj Department, Govt.

of Bihar, Patna;

3. The principal secretary, Revenue Department, Govt. of

2.

Bihar, Patna;

3. The Commissioner, Koshi Division, Saharsa;

5. The District Magistrate, Madhepura;

6. The Additional Collector (Revenue), Madhepura;

7. The Block Development Officer, Shankarpur, District-
Madhepura;

8. The Circle Officer, Shankarpur, District -Madhepura;

9. The Mukhiya Gram Panchayat zirwa-Madhaili, P.S.

Shankarpur, District-Madhepura;

10. The Panchayat secretary, Gram Panchayat zirwa-Madhaili

P.S. Shankarpur, District-Madhepura.

...

...

Respondents;

To,

The Hon'ble Ms. Justice Rekha M. Doshit, the
Chief Justice of the High Court of Judicature at Patna,
and Her Companion Justices of the said Hon'ble Court.

The humble writ petition
on behalf of the petitioner
above named;

Most Respectfully sheweth :-

1. That the present writ petition in the nature of public Interest Litigation is preferred by the instant petitioners for the following reliefs :-

- 1) For direction upon the respondents to take appropriate steps towards the construction of Gram Panchayat Sarkar Bhawan at Mouzma under zirwa Madhaili Gram Panchayat, P.S. Shankarpur, District-Madhepura as the said village -Mouzma is the Central place of the said Gram-Panchayat.
- ii) For restraining the respondents from construction of the said building at Madhaili which has not been proposed/ resolved in the meeting of Am Sabha of the Gram Panchayat.
- iii) For declaration that the village-Mouzma, under zirwa-Madhaili Gram Panchayat P.S.Shankarpur, District-Madhepura is the

4.

the suitable place for Panchayat Sarkari Bhawan.

- iv) For any other relief(s)/direction(s), order(s) ,writ(s) to which petitioner may be found entitled in the fact and circumstances of the case.

2. That the writ application is inter alia based on the following main grounds :-

- i) For that the action of the respondents is arbitrary, calafide and against all cannons of justice.
- ii) For that when Gram Sabha of the Gram Panchayat of zirwa Madhaili held on 18.05.14 resolved that for the panchayat Sarkari Bhawan Mougma is the suitable place then there is no occassion for the respondent s to take steps towards the construction of the said building at Madhaili under the Gram Panchayat namely zirwa Madhaili

5.

District-Madhepura.

- iii) For that the respondents have failed to appreciate that for the said purpose sale deed was executed on 02.12.2000 by one Anmol Yadav and persons of the locality are ready to donate the required land.
- iv) For that the respondents have failed to appreciate that Govt. land is also available at Mouzna on road side for the said purpose, not only this persons of all communities reside in the surroundings of the land as proposed by the Aam Sabha of the Panchayat.
- v) For that the action of the respondent is against the will and convenience of the public of the Gram Panchayat Zirwa Madhaili P.S. Shankarpur, District-Madhepura.
- vi) For that in any view of the matter petitioner is entitled to relief as claimed herein.

6.

3. That petitioner is the citizen of India residing within the territorial jurisdiction of this Hon'ble Court and is a social worker and cause of action has also arisen within the territorial jurisdiction of this Hon'ble Court.

4. That the factual matrix giving rise to the petitioner's writ application is that one Anmol Yadav executed sale deed on 02.12.2000 in favour of his ~~excellency~~ ^{Panchayat} Bhawan, Zirwa Gram Panchayat (now zirwa - Madhalli Gram Panchayat at Mouzma on road side regarding Plot No. 5091 old and 5092 Old 11459 New.

A true/photocopy of the sale deed dated 02.12.2000 is the Annexure-1 to this petition.

5. That on 13.08.14 the Additional Collector, Madhepura wrote a letter to the Circle Officer, Shankarpur with regard to transfer of the Govt. land for the purpose of the construction of Panchayat Sarkari Bhawan zirwa-Madhalli vide letter dated 13.08.14.

7.

The true photocopy of the
letter dated 13.8.14 is
Annexure-2 to the petition.

6. That on 18.08.14 the Aam -Sabha of the
zirwa -Madhaili Gram Panchayat resolved vide resolution
No.4 for selection of the land for the purpose of
Panchayat sarkar Bhawan and decided that the suitable
place for that purpose is village Mouzma under the said
Panchayat and also mentioned the name of the persons
who were ready to donate the required land. The petitioner
craves leave of this Hon'ble Court for production .

7. That on 22.08.14 Anita Kumari who happens to
be the Mukhia of Gram Panchayat represented the Deputy
Collector, Madhepura for registration of the land of the
donors which has been recommended by the local MLA.

By

A true/photocopy of
representation dated
22.8.14 is Annexure-3 to
this petition.

8.

8. That the Mukhia of the Gram Panchayat represented the D.M., Madhepura on 24.08.14 stating therein that smt. Snushila Devi and Satyanarayan Thakur are ready to donate the land for the said building as well as requesting therein for free registration.

The true/photocopy of
representation dated

24.8.2014 is Annexure-4

to the petition.

9. That it is stated and submitted that for the purpose of Panchayat Bhawan already sale deed has been executed in the year 2000 itself and now donors are ready to donate the required area of land for the purpose and construction of the said building adjacent to the land which is the subject matter of the sale deed.

10. That the village Mougma is the central area of the Gram Panchayat and if the Sarkar Bhawan is constructed there it will be convenient for all the residents of the Gram Panchayat.

9.

11. That if the Sarkar Bhawan is constructed at Mouzma no injury will be caused to anyone.

12. That the construction of Panchayat Sarkar Bhawan at Mouzma in place of Madhaili under Gram Panchayat Zirwa -Madhaili is in the public interest.

13. That the petitioner has no other efficacious or alternative remedy than to move this Hon'ble Court left to him.

14. That the petitioner has not moved that Hon'ble Curt anytime earlier than this in the instant matter in this Hon'ble Court.

It is,therefore,prayed that your

Lordships may graciously be pleased to

issue rule NISI Calling upon the

Respondents to show -cause and if the cause

is being shown otherwise your Lordships

may graciously be pleased to allow this

applicationgranting relief as prayed in

Paragraph-1 of the petition at the Admission

10.

Admission stage itself.

And/or

be further pleased to pass such other
order(s) as your Lordships may deem
fit and proper.

A n d

During pendency of this application the
Respondents be restrained from constructing
Panchayat sarkari bhawan at Medhaili
under zirwa -Medhaili Gram Panchayat,
P.S.shankarpur, District-Madhepura.

And, for this, the petitioner shall ever pray.

11.

A f f i d e v i t

I, Narash Kumar, aged about 58 years, son of Late Kameshwar Prasad Yadav, R/o Village-Mousma, P.S. Shankarpur, District-Madhepura, do hereby solemnly affirm and state as follows :-

1. That I am petitioner in this case and as such am fully acquainted with the facts and circumstances of the case.

2. That the contents of this writ petition have been read over and explained to me in Hindi and which I have fully understood and they are true to my knowledge.

3. That the statement made in paragraphs-3, 6(p), 8, 9, 10, 11, 12, 13, 14 are correct and true to my knowledge, those statements made in paragraphs-4, 5, 6(p), 7, 8 are based on information, derived from the records of the case and rest are by way of submissions.

4. That the annexures are photo/true copies of their respective originals.

12054

600 m

Ameyu-1
1203

RS.

12



Handwritten notes and calculations:

200460
250
210
25000

1) कर्मचारी: अनिल पादुके पिता स्व. अयोव्या
पादुके वलविली सा. मोजा किरवा-सोला
मोजा वाका सिद्वेवा (जिला मधेपुरा)

2) कर्मचारी: महामहोम राज्यपाल विहा सरकार गान
पंचानस किरवा लद पूसकरीत पंचायत
किरवा मधेली-सोला मोजा वाका सिद्वेवा
जिला मधेपुरा

3) कर्मचारी: दानपत्र

4) मालिकता: 200000 का एगार 1952

Handwritten notes on the right side:

2008/21/2
2008/21/2
2008/21/2

Handwritten notes on the right side:

2008/21/2
2008/21/2
2008/21/2



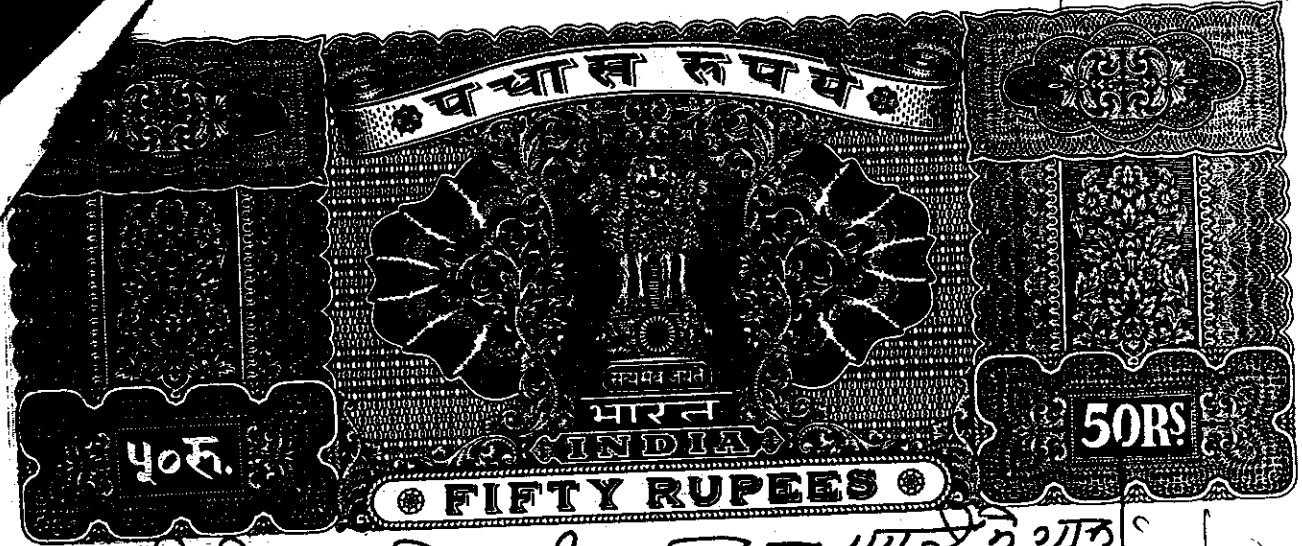
८) लक्ष्मि: मोवाकी 52 दोबडा /

रायकी कापनी व जगतलाला का १० /
 गाल आलावे होपे वाके माग्या करका
 रोला माग्या वाग के अंतत मिहिल
 एवढा (मिहिल) के शिका नकेपुरा वाग
 206 तीकी ४५४ जगतकी २५
 अलिपि /

2/12/2020
 Justice P. S. ...
 ...

बोला किपुः रेकना रजका उरुतु दू. ७० ५.
 ६४०-५०५१ / ११४६५-५२-५५५-१११५-१११५
 ११२५६ ५०५२ / ११५५ ११५५

52 दोबडा
 बोला पुराना का नि-पालीक नाग दानि श्री-मार्के (गोवा)
 पुराना पचाठ नि-मकावके पचाठ नि-किशनके नाग
 मारद सिता पा सि ३१६२ /
 एवकि उपरोक्त लक्ष्मि लक्ष्मिनी कि हा मालपा (बोला)
 (बोला) कापनी पला काता दो /
 एवकि माग्या शिरका निद प्रस्तावित शिरका नकेलनी शिरका
 गाग पंचायत नि-शक-अमक पंचायत शकन का शिकरि
 एव पद गागिन लागी नि-लक्ष्मिनी के अत्राद बिग
 कि कुरुक जनीत गाग पंचायत शिरका के शकत



के लिये इन दो नौकरीदारों को श्रावण
 पंचायत केवल को नकार करके पंचायत का
 काम कार्य सुचारु रूप से चलने शुरू करके
 लेखपाली को नकार श्रावण पंचायत केवल मिलकर
 एक प्रस्तावित करके नौकरी चोला गोगना को दातु
 दिया जाए श्रावण पंचायत करके एक प्रस्तावित करके
 नौकरी चोला गोगना के नरफरे इन लोग
 (नीका) किया।

श्रावण पंचायत
 नरफरे - 2/2/2000

पक्षी कि श्रावण पंचायत केवल करके इन लोग
 श्रावण पंचायत को कार्य जारी चलने
 ईद के श्रावण पंचायत करके एक प्रस्तावित करके
 नौकरी चोला गोगना किदा नरफरे कि दातु नरफरे
 उपरोक्त लम्बारे पाक को लम्बरे हो कर लेखपाली
 अपनी सुली गने शुरू करके नरफरे सही के
 स्थिति कि किना किनी अन्वित एक पा. किना
 किनी प्रलोचन के एक दिन पत्र मिले रिमा नर
 लक्षण पर कार्य जारी किनी के उदाहरण के
 दो प्रकृष्टों के दातु प्रति 2 फरवरी 2000
 गई है। अतः किनी कार्य कर पंचायत केवल का
 कार्य जारी बंदे चलने के प्रकृष्ट लेखपाली का
 ईदगा।

श्रावण पंचायत केवल नरफरे
 नरफरे - 2/2/2000

Annexure-15
2

समाहरणालय, मधेपुरा।
(जिला राजस्व शाखा)
पत्रांक...../रा0

प्रेषक,

अपर समाहर्ता,
मधेपुरा

सेवा में,

अंचल अधिकारी,
शंकरपुर।

मधेपुरा, दिनांक...../2014।

विषय:- शंकरपुर अंचल अन्तर्गत ग्राम पंचायत जिरवा मधेली अन्तर्गत पंचायत सरकार भवन के निर्माण हेतु सरकारी भूमि का हस्तांतरण के संबंध में।

महाशय,

उपर्युक्त विषय के संबंध में कहना है कि शंकरपुर अंचल अन्तर्गत ग्राम पंचायत जिरवा मधेली अन्तर्गत पंचायत सरकार भवन के निर्माण हेतु मौजा जिरवा, थाना नं० 207 अन्तर्गत खाता नं०-2703 खेसरा नं०-12613, 12614, 12615, 12616, एवं 12617 रकबा क्रमशः 0.11, 0.05, 0.12, 0.20 एवं 0.14 कुल रकबा 0.52 एकड़ अनावार बिहार सरकार भूमि का पंचायती राज विभाग को निःशुल्क अन्तर्विभागीय हस्तांतरण की स्वीकृति समाहर्ता महोदय से अभिलेख सं०-03/2014-15 एवं संचिका सं० 25-04/2014 में प्राप्त की गई है।

अतः मूल अभिलेख इस पत्र के साथ संलग्न कर अग्रोतर कार्रवाई हेतु आपको भेजी जाती है।
अनुलग्नक:- अभिलेख सं०-03/2014-15(मूल में)

विश्वासभाजन

अपर समाहर्ता
मधेपुरा।

ज्ञापक...../रा0, मधेपुरा दिनांक...../2014

प्रतिलिपि:- प्रखंड विकास पदा०, शंकरपुर को सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित।

अपर समाहर्ता
मधेपुरा।

सेवा में :

श्रीमान् जिला पदाधिकारी

मन्सूरपुरा

विषय - पंचायत सरकार जवन निर्माण हेतु जमीन निःशुल्क निर्वहण करवाने हेतु आर्देश देने के सम्बन्ध में,

महाशय

मैं, अनिता कुमारी (अविवा) ग्राम पंचायत जिन्हा मध्ये प्रकंड - शंकरपुर, जिला - मन्सूरपुर, निवेदन पूर्वक रुना चास्ती हूँ कि जनरल में पंचायत के अर्जमंत पंचायत के मध्य में पंचायत सरकार जवन निर्माण हेतु जमीन ग्राम-मौजमा के मध्य विप्यासय के समीप ग्राम सभा द्वारा सर्वसम्मति से निम्नलिखित खाना - खेतरा की जमीन को अधिनियम किया गया, जू हाज श्रीमती कुशीता देवी,

Handwritten notes on the left side of the page, including 'जिला पदाधिकारी' and other illegible text.

पर श्री जयेंद्र प्रभाकर, सलनायक काठु पिगा - ल. मुनीलाल काठु, एवं अभकृतन यादव पिगा - ल. जगन्नाथ यादव के द्वारा स्वैच्छ से बिना किसी प्रतिफल के दाप देने का काम किया है

अतः श्रीमान् जिला पदाधिकारी महोदय,

से निम्नप्रकार पूर्वक आग्रह करती हूँ, उपरोक्त वर्णित जू हाज के जमीन को निःशुल्क निर्वहण करवाने हेतु अनुमति देने की कृपा की जाए.

आतिथ्य

श्रीमती अनिता कुमारी
जिला पदाधिकारी
मन्सूरपुरा

आपका विश्वासभाजन

1184 11985 2356

05 सुशोभा देवी

(8)

727 11986 5000 248

(2)



श्रीमती अनिता कुमारी
जिला पदाधिकारी
मन्सूरपुरा

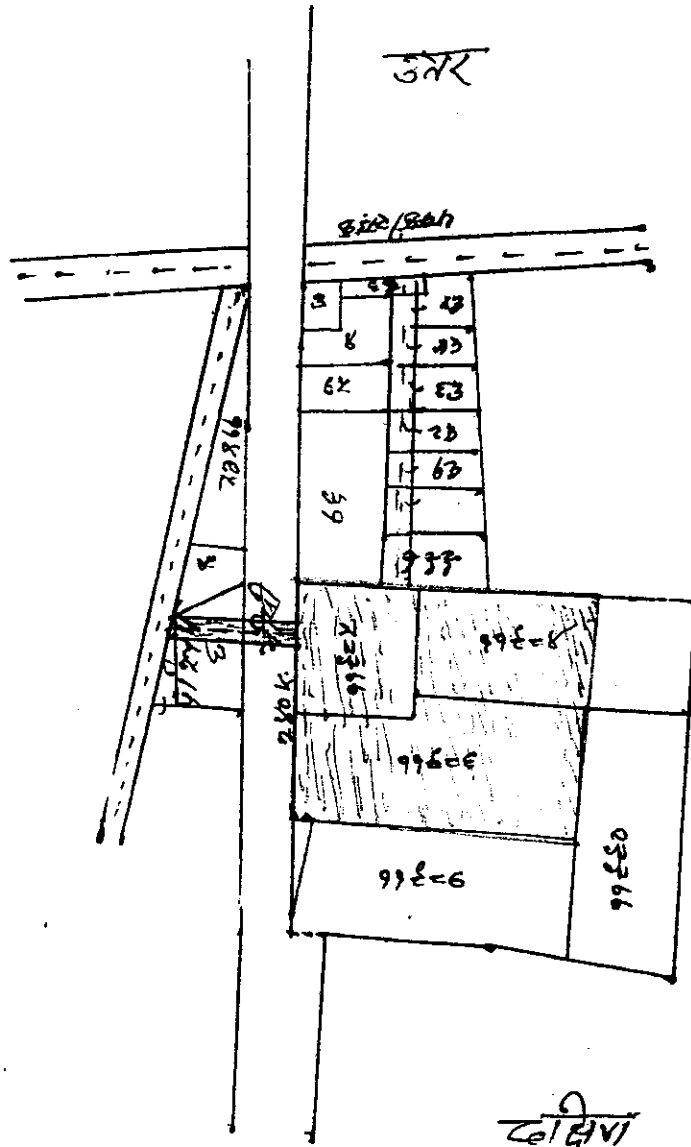
11984 2356 248

(3)



श्रीमती अनिता कुमारी
जिला पदाधिकारी
मन्सूरपुरा

Handwritten notes at the bottom of the page, including 'श्रीमान् जिला पदाधिकारी' and other illegible text.

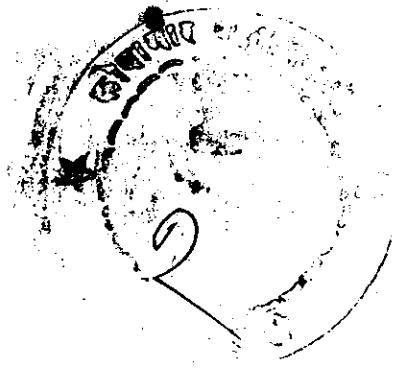


गौजा बिरका
 थाना नं०-२०६
 न्यायर नं०-०८
 निमज्जाना वनेसरा का
 नगरी कपडा !

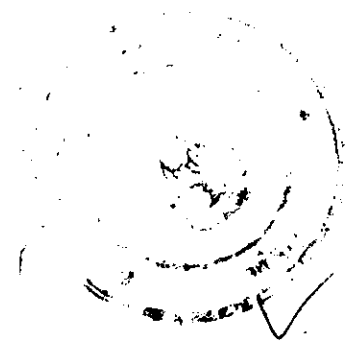
पूरव

दक्षिण

20 20
2-92-2000



Gopal Mukhi
No. - 116 / N
Stamp Vender
MADHIPUR



Handwritten signature or initials, possibly 'K. S. S.' or similar.

17/11/20
2-12-2000

Handwritten notes and dates, including '17/11/20' and '2-12-2000'.

