

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22528 of 2013

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Musafir Chaudhary, S/O Late Jetthu Chaudhary, resident of Village-Bhadai, Anchal and P.S- Giriyak, District- Nalanda, presently residing at Ramchandrapur, Behind Bank of India, P.O and P.S- Bihar Sharif, District-Nalanda (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary (Home), Bihar, Patna.
2. The Collector of District (D.M), Nalanda at Biharsharif.
3. The Sub-Divisional Officer (S.D.O), Rajgir, Nalanda.
4. The Circle Officer, Giriyak, Nalanda.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shankar Kumar Thakur
Mr.Shashi Nath Jha

For the Respondent/s : Mr. Mritunjay Kumar Jha, AC to SC-3

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 23-01-2015 Heard Mr. Shankar Kumar Thakur, learned counsel appearing on behalf of the petitioner and Mr. Mritunjay Kumar Jha, learned Assisting Counsel to Standing Counsel No.3 for the State.

The petitioner has moved this Court through the present writ petition for a direction to the respondent authorities in the district of Nalanda to remove the construction from the raiyati land of the petitioner, the details of which are mentioned in paragraph 4 of the writ petition and which are as follows:

<u>Khata No.</u>	<u>Plot No.</u>	<u>Total Area</u>	<u>Petitioner's claim</u>
576	3299	1.40 Acres	Settlement through Parcha
575	2828	0.10 Acres	Settlement through Parcha



It is the grievance of the petitioner that without obtaining any consent and without following the due process of law for acquiring the land of the petitioner and without payment of any compensation for utilization thereof that the respondent authorities in the district of Nalanda have engaged in the construction of the canal on the raiyati land of the petitioner which were settled in favour of the mother of the petitioner through *Parcha*.

It is submitted that the lands were settled even prior to 1962 and the petitioner is in possession of the same since then and has been paying rent regularly to the authorities. It is submitted that the Sub-Divisional Officer, Rajgir upon consideration of the matter though has stayed the construction but now the Circle Officer being aggrieved by such action is taking steps for cancellation of the *Jamabandi* of the petitioner.

Mr. Thakur, learned counsel appearing for the petitioner with reference to the representation present at Annexure-6 to the writ petition which is addressed to the District Magistrate, Nalanda and is dated 26.8.2013 submits that the entire aspect of the matter has been explained before the District Magistrate seeking his intervention in the matter but the same has remained pending and it is in these circumstances that the writ petition has been filed.

Having heard learned counsel for the parties and taking note of the circumstances existing and in the backdrop of the grievance raised by the petitioner in the opinion of this Court, the best course would be to dispose of the writ petition with a direction to the District Magistrate, Nalanda to consider the grievance of the petitioner as reflected in his representation dated 26.8.2013 present at Annexure-6 to the writ petition and dispose of the same in accordance with law and after giving opportunity of hearing to the petitioner expeditiously and preferably within a period of three months from the date of receipt/production of a copy of this order

The writ petition is disposed of accordingly.

(Jyoti Saran, J)

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