

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.6024 of 2016**

=====

Sugga Devi W/o Sri Arjun Prasad resident of village - Chhiyasth Bigha, P.S. Chiksoura, P.O. Korawa, District - Nalanda

.... .... Petitioner

Versus

1. The State of Bihar through Commissioner Cum Secretary, Department of Revenue, Govt. of Bihar, Patna
2. The Commissioner Cum Secretary, Department of Revenue, Govt. of Bihar, Patna
3. The Collector Cum District Magistrate, Nalanda at Biharsharif
4. The Additional Collector Incharge Revenue, Nalanda
5. The Sub - Divisional Magistrate, Hilsa, Nalanda
6. The Deputy Collector of Land Reforms, Biharsharif
7. The Circle officer, Hila
8. Anuj Prasad @ Louln
9. Bholi Prasad @ Bholi Both Sons of Late Madhu Prasad @ Madhu Mahto resident of village - Murligarh, P.S. Chiksaura, District - Nalanda

.... .... Respondents

=====

**Appearance :**

For the Petitioner : M/s Nawal Kishore Prasad and  
M.P. Bhartee, Advocates

For the State : Mr. NASHRUL HODA KHAN- SC18  
Ms Babita Kumari, AC to SC 18

=====

**CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN**

**ORAL JUDGMENT**

**Date: 13-07-2016**

Heard learned counsel for the petitioner and the State.

Petitioner's grievance is that purchased land of plot nos. 665, 322/668 and 359 appertaining to Khata nos. 84 and 60 of mouja Goraiya Pali @ Kuseta, Pragana Sahajehanpur, District Nalanda is being utilized for construction of road under Kukhya Mantri Gram Sampark Yojna. It is further contended that, despite

representation filed before the authorities including the Sub Divisional Officer and the DCLR, no heed has been paid.

It is well settled that the raiyati land can only be utilized by the State or the authorities or its instrumentality, even for the public purpose, either upon consent having been given by the owner of the land or its acquisition in accordance with law and payment of compensation to the concerned.

In above view of the matter, this Court would be inclined to dispose of this writ application with a liberty to the petitioner to approach the respondent no. 3, i.e., the District Magistrate-cum-Collector, Nalanda at Biharsharif by making a detailed representation setting out his claim along with the document in support thereof. On such representation having filed, the District Magistrate would proceed to examine the matter and if he is of the opinion that the raiyati land of the petitioner is being utilized then he will take steps, either for removal of such construction or for its acquisition in accordance with law. That apart, if he finds that the aforesaid plots belong to the petitioner then he will take steps for demarcation of the same in presence of the petitioner so that the dispute could be set at rest.

However, it is made clear that this Court has not formed or expressed any opinion with respect to the merit of the case of the

petitioner.

(Dr. Ravi Ranjan, J)

SC/-

|                   |            |
|-------------------|------------|
| AFR/NAFR          | NAFR       |
| CAV DATE          | NA         |
| Uploading Date    | 16-08-2016 |
| Transmission Date | NA         |