

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.938 of 2013

IN

Civil Writ Jurisdiction Case No. 12922 of 2012

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Md. Aftab Alam, Son of Late Md. Suleman, Resident of Mohalla Bengali Pada Rajgir, Police Station Rajgir in the district of Nalanda, at present Secretary, Rajgir Qabristan Managing Committee, Rajgir, P.S. Rajgir, District Nalanda

.... Appellant

Versus

1. The State of Bihar
2. The Home Secretary, Department of Home, Govt. of Bihar, Patna
3. The District Magistrate/Collector, Nalanda at Biharsharif
4. The Superintendent of Police, Nalanda at Biharsharif
5. The Sub-Divisional Officer (S.D.O.) Rajgir, Nalanda
6. The Circle Officer, Rajgir Block, Rajgir, Nalanda
7. The Officer-In-Charge, Rajgir Police Station, Rajgir, Nalanda
8. The Bihar State Sunni Waqf Board, Haj Bhawan, Harding Road, Patna through its Chief Executive Officer, Bihar, Patna

.... Respondents

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Appearance :

For the Appellant	:	Mr. K.K. Sinha, Advocate
For Respondents 1 to 7	:	Mr. Rajiv Roy, GP-1
		Mr. Arun Kumar, AC to GP-1
For Respondent 8	:	Mr. Rashid Izhar, Advocate
		Mr. Sharad Shekhar, Advocate

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 02-08-2016

The present intra-court appeal is against the judgment and order dated 21.06.2013, passed by learned Single Judge of this Court in C.W.J.C. No. 12922 of 2012(Md. Aftab Alam Vs. The State of Bihar and others).

We have heard the learned counsel for the appellant, learned counsel for the State and perused the record. We

see no reason to interfere in the matter.

Learned Single Judge has taken into account the order of the Collector which was passed as far back as in 2007 and which has attained finality. The District Collector, as a matter of fact, after making full enquiry clearly held that *Malmas Mela* is being held on that land since time immemorial and undisputedly long long before the cadastral survey of 1910. He also clearly held that on the land in question there are only 12 ancient graves and the land is not being used as a grave-yard and there is another distinct plot that is used as grave-yard. All we can say is, an issue decided must be allowed to attain finality. We therefore, find no merit in this appeal. It is, accordingly, dismissed.

(Navaniti Prasad Singh, J.)

(Nilu Agrawal, J.)

Arjun/Rajesh

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