

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4250 of 2019

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Arjun Prasad Son of Late Prasadi Mahto, resident of Village- Haweli P.S.
Biharsharif, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Bihar, Patna.
2. The District Magistrate, Nalanda.
3. The Circle Officer, Biharsharif, District- Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar

For the Respondent/s : Mr.Md. Khurshid Alam (AAG-12)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 06-03-2019 Aggrieved by order of the District Magistrate, Nalanda, dated 26.09.2018, passed in Misc. Case No. 36 of 2017, this application has been filed.

The dispute relates to a piece of land appertaining to Khata No. 88, Keshra No. 494, Thana No. 112, admeasuring 7 decimal in the district of Nalanda, which according to the petitioner was purchased by his father on 23.05.1969 from Muneshwar Sharma, son of the ex-landlord. The petitioner wanted the said land to be treated as raiyati land by making an application before the Collector, which has been turned down on various grounds including the ground that the land in question has been entered as *Gairmajarua Malik* in the record of right.



The Collector, while rejecting the petitioner's application has noted that the petitioner could not produce any document to suggest payment of rent by ex-landlord. It appears that the land in question has been used for construction of State Highway. The petitioner is raising a grievance that he is entitled for payment of compensation for acquisition of land for the said purpose. However, in view of the fact that the Collector has questioned the petitioner's title over the land in question, he is being denied any compensation.

The question of title of the land in question cannot be adjudicated upon by this Court under Article 226 of the Constitution of India.

The petitioner shall be at liberty to approach the Civil Court of competent jurisdiction for declaration of his right and title, if so advised.

It is observed that no finding recorded by the Collector in his order shall prejudice the petitioner's case, if any suit is filed before the competent Court.

This application stands disposed of.

(Chakradhari Sharan Singh, J)

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