

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.460 of 2021

“Madarsa Sabibul Huda” Sakin Mauza Chakni, P.S. Sursand, Sub-Division Parihar, District Sitamarhi, through its Secretary Abdul Rahim aged 53 years, gender male, S/o Late Md. Salim resident of Village- Chakni, P.S.- Sursand, Sub-Division Parihar, District Sitamarhi, Permanent Resident of Dhandhara, Muslim Tola, P.O. and P.S. Jamtara, Jamtara, District Jharkhand 815351.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary Government of Bihar, Patna.
2. The Secretary, Department of Land Acquisition and Land Revenue, Government of Bihar, Patna.
3. The District Collector, Sitamarhi.
4. The District Land Acquisition Officer, Sitamarhi.
5. The Executive Engineer-National Highway, Border Road Construction Division, Government of India-Road Project Indo Nepal Border Road 77.
6. The Project In-charge- National Highway, Border Road Construction Division, Government of India. Road Project Indo Nepal Border Road 77.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Nadimul Hasan, Advocate
For the Respondent/s	:	Mr.Nath Pathak, Advocate
		Mr. Md. Khurshid Alam, AAG-12
		Ms. Nutan Sahay, Advocate

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 28-06-2021

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s).

“That the present writ application in the for of
Public Interest Litigation is being filed for the
issuance of an appropriate writ in the nature of
certiorari or an appropriate writ/orders/direction for



the following reliefs:

a) To direct the respondent to pay the construction of road project of National High way, “Indo-Nepal Border 77” passing through “Madarsa Sabilul Huda” Situated at Mauza-Village Chakni, P.S. Sursand, District Sitamarhi.

b) For issuance of another writ in nature of mandamus commanding the respondents to do not take any step regarding the acquisition of the land of the “Madarsa Sabilul Huda”.

And to acquire another land situated just adjacent to the land in question. The said adjacent lands are vacant while the land in question is a ‘Madarsa’ since 2011 known as “Madarsa Sabilul Huda” which is presently running there and in the said ‘Madarsa’ about 70 orphan children belonging from the minority and weaker section of the society have got shelter of living over their head and are also getting their education.

c) For issuance of an order/direction upon the respondent/Authority to immediately stay and in the interim operation and compliance of Land Acquisition order passed by the Collector Sitamarhi by which the Collector is going to acquire the land of the aforesaid ‘Madarsa’ for the purpose of construction of the aforesaid project. And further be pleased to



immediately stay the development and construction work of the National High Way Road Project-”Indo Nepla Border Road Project 77” over the Land of the aforesaid ‘Madarsa’ during the pendency of the present writ petition.

d) Any other necessary relief/reliefs or direction/order be passed in favour of the petitioner and against the respondents for which the petitioner be found entitled in the eye of law as well as facts of the case also.”

After the matter was heard for some time, learned counsel for the petitioner, under instructions, states that petitioner shall be content if a direction is issued to the authority concerned to consider and decide the representation which the petitioner shall be filing within a period of four weeks from today for redressal of the grievance(s).

Learned counsel for the respondents states that if such a representation is filed by the petitioner, the authority concerned shall consider and dispose it of expeditiously and preferably within a period of three months from the date of its filing along with a copy of this order.

Statement accepted and taken on record.

As such, petition stands disposed of in the following terms:-



(a) Petitioner shall approach the authority concerned within a period of four weeks from today by filing a representation for redressal of the grievance(s);

(b) The authority concerned shall consider and dispose it of expeditiously by a reasoned and speaking order preferably within a period of three months from the date of its filing along with a copy of this order;

(c) Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

(d) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

(e) We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch;

(f) Liberty reserved to the petitioner to approach the Court, if the need so rises subsequently on the same and subsequent cause of action;

(g) We have not expressed any opinion on merits.
All issues are left open;



(h) The proceedings, during the time of current Pandemic- Covid-19 shall be conducted through digital mode, unless the parties otherwise mutually agree to meet in person i.e. physical mode;

The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/rajiv-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA

