

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.3618 of 2022**

=====

Md. Qamre Alam Khan Son of Late Md. Manjur Alam, resident of Village -  
Bathauli, Ward No. 3, Police Station- Barauni, District - Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Revenue and Land Reforms,  
Government of Bihar, Patna.
2. The District Magistrate, Begusarai.
3. The District Land Acquisition Officer, Begusarai.
4. The Circle Officer, Barauni, District - Begusarai.
5. The Union of India through The Secretary, Ministry of Road Transport and  
Highways, Government of India, New Delhi.
6. The Superintending Engineer, National Highway Authority, Barauni,  
Begusarai.
7. The Executive Engineer, National Highway Authority, Barauni, Begusarai.

... .. Respondent/s

=====

**Appearance :**

For the Petitioner/s : Mr. Ram Pravesh Nath Tiwari, Advocate  
For the Respondent/s : Mr. Raj Kishore Roy, GP 18

=====

**CORAM: HONOURABLE THE CHIEF JUSTICE**  
**and**  
**HONOURABLE MR. JUSTICE S. KUMAR**  
**ORAL ORDER**

**(Per: HONOURABLE THE CHIEF JUSTICE)**

=====

**(The proceedings of the Court are being conducted by  
Hon'ble the Chief Justice/ Hon'ble Judges through  
Video Conferencing from their residential  
offices/residences. Also, the Advocates and the Staffs  
joined the proceedings through Video Conferencing  
from their residences/offices.)**

=====

2      11-03-2022      Petitioner has prayed for the following relief(s):-



- (i) For issuance of appropriate writ/ writs in the nature of writ of mandamus directing the respondents not to forcibly acquire the Kabristan Land (graveyard) situated in village- Bathauli, P.S. Barauni, District- Begusarai , appertaining to Tauzi No. 749, Thana No. 511, Khata No. 328, Khesra No. 595 and 596, without following the due process of law as prescribed under the National Highways Act, 1956 and without payment of compensation.
- (ii) For direction/ directions to the respondents, directing them to make payment of the part of Kabristan (graveyard) land measuring 4 katha, 18 dhur and 5 dhurki, in Village- Bathauli, P.S. Barauni, District- Begusarai , appertaining to khata no. 328 , khesra no. 596, Tauzi No. 749, thana No. 511 which has been forcibly acquired by the respondents without following the provisions of National Highways Act 1956, for construction service lane for N.H. 31, Barauni, Begusarai.
- (iii) For any other relief/ reliefs to which the petitioner may be entitled to in the facts and circumstances of the case.

After the matter was heard for some time, finding the Court not to be in favour with the submissions made across the



Bar, learned counsel for the petitioner, under instructions, states that petitioner shall be content if he is permitted to withdraw the present petition reserving liberty to initiate appropriate proceedings before the appropriate forum and/or to take recourse to such other alternative remedies, equally efficacious in law, including the one contemplated under the National Highways Act, 1956.

Permission granted.

We are sure that as and when any such proceedings are initiated, the same shall be considered and decided in accordance with law.

It is made clear that we have not expressed any opinion on merits. All issues are left open.

The petition stands disposed of as withdrawn with the liberty aforesaid.

Interlocutory Application(s), if any, shall stand disposed of.

**(Sanjay Karol, CJ)**

**(S. Kumar, J)**

Amrendra/PKP

|   |  |  |  |
|---|--|--|--|
| U |  |  |  |
|---|--|--|--|

