

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18101 of 2018

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1. Mahanth Devmuni Das Alias Deomuni Das Chela Ram Lakhan Das, Udasin Sangat, Dhaniya Pahari, Nawada, P.S. - Nardiganj, District- Nawada.
 2. Sagar Muni Chela Late Narayan Das, Resident of Village- Goswari, P.S. Bakhtiyarpur, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector-cum-District Magistrate, Nalanda at Bihar Sharif, District- Nalanda
2. The Collector-cum-District Magistrate, Nalanda at Bihar Sharif, District- Nalanda.
3. The Anchal Adhikari, Rajgir, District- Nalanda.
4. The Nagar Panchayat, Rajgir, District- Nalanda through its Executive Officer.
5. The Executive Officer, The Nagar Panchayat Rajgir, District- Nalanda.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Chaudhary, Sr. Advocate Mr. Suresh Prasad Bhakta, Advocate
For the Respondent/s	:	Mr. Arun Kumar Bhagat, AC to AAG-12
For the N P Rajgir	:	Mr. Alok Ranjan, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 28-08-2023

Heard Mr. Ashok Kumar Chaudhary, learned senior counsel, duly assisted by Mr. Suresh Prasad Bhakta, learned counsel for the petitioners and Mr. Alok Ranjan, learned counsel representing the Nagar Parishad, Rajgir. The State is represented by Mr. Arun Kumar Bhagat, learned AC to AAG-12.

2. The petitioner no.1, who claims himself to be the Mahanth of Udasin Sangat Nanakshahi Pant and petitioner no.2 look after the management on behalf of petitioner no.1,



preferred the present writ application under Article 226 of the Constitution of India seeking quashing of the notice, as contained in Memo No. 766 dated 03.07.2018 (Annexure-3) issued under the signature of the Executive Officer, Nagar Panchayat, Rajgir whereby the petitioner no.2 has been directed to stop the construction over the land, in question. The petitioners further seek a direction upon the respondent authorities not to disturb the peaceful possession of the petitioners over which they have been coming since several decades.

3. It is submitted on behalf of the petitioners that the land, in question, was recorded in Khatiyani as Nanak Kund Pokhta, Chabutra Pokhta, House with Sahan and Bauli Kund Pujari and the office of the Sub-Divisional Supply Officer, Rajgir, Nalanda has granted Ration card on the eve of Malmas Mela from time to time and pursuant thereto the petitioner has been lifted rations and Mela was being organized. He further submits that all of a sudden in the year 2018, while the petitioner no.2 started fencing over the boundary of the land, in question, notice has been issued, which is impugned herein, under the signature of Executive Officer, Nagar Panchayat, Rajgir, Nalanda directing him to stop the construction work



immediately.

4. Learned senior counsel straightway drew the attention of this Court to the counter affidavit filed on behalf of Nagar Pachayat, Rajgir and with reference thereto he submits that presently the impugned notice has been issued on 15.01.2018, but surprisingly the enquiry report has been submitted by the Revenue Karamchari on 19.07.2019 and, as such, prima facie, it appears that the enquiry is nothing but an eye wash, a post dated enquiry behind the back of the petitioners, causing serious prejudice to their right and entitlement.

5. On the other hand, learned counsel for the Nagar Panchayat, Rajgir, while refuting the contention of the petitioners, submits that so far the claim of the petitioner no.1, being Mahanth of the Udasin Sangat Nanakshahi Pant with respect to the land, in question, is concerned, no cogent evidence has been brought on record showing him the owner of the land, in question. He further submits that in fact after formation of the Rajgir Nagar Niveshan Pradhikar, the land has been vested with the Nagar Panchayat, Rajgir and moreover the land, in question, is recorded as Gairmazarua Aam House and Sahan.



6. It would be relevant to point out here that during pendency of the present writ petition one interlocutory application, bearing I.A. No. 2 of 2022, has been filed stating therein that the petitioner no.1 died on 14.04.2022 after handing over the Gaddinama Chadar Tilak to the petitioner no.2 in the presence of Sadhu Sangat and devotees of the locality.

7. Considering the nature of the dispute and the materials available on record, especially the fact that no evidence, whatsoever, has been brought on record by the petitioners showing any justifiable right, title and interest over the land, in question, the Court is not at all persuaded to the submissions made on behalf of the parties and, accordingly, the present writ application stands dismissed with liberty to the petitioners to avail the remedy before the Civil Court of competent jurisdiction, if so desire.

(Harish Kumar, J)

uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.08.2023
Transmission Date	NA

