

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5022 of 2023

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1. Sudin Prasad Rajak S/o Raghunandan Rajak Resident of Village- Ward No.- 26, Bahadurpur, Samastipur, Pin- 818101.
 2. Md. Hassan, S/o Rakatu Khalifa Resident of Shahara India Gali, Ward No.- 26, Bahadurpur, Samastipur, Pin- 848101.

... .. Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Government of Bihar, Old Secretariat, Patna.
2. The Secretary/Special Secretary, Land Reforms and Revenue Department, Government of Bihar, Old Secretariat, Patna.
3. The District Magistrate, Samastipur, District- Samastipur.
4. The District Planning Officer, Samastipur.
5. The Executive Engineer, Local Engineering Organisation Work Division- 01, Samastipur.
6. The Circle Officer, Samastipur.
7. The Municipal Commissioner, Municipal Corporation, Samastipur.
8. The Sub-Divisional Officer, Samastipur, Samastipur Sadar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Kumod Kumar Shrivastaw, Adv.
For the Respondent/s	:	Mr. Raj Kishore Roy, (GP-18)

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 19-09-2023 Heard learned counsel for the petitioners, learned counsel for the Nagar Nigam and learned counsel for the State.

2. Learned counsel for the petitioners submits that independent from the relief(s) made in the writ petition, the Nagar Nigam in connivance of the local persons wants to construct *nala* on the *raiyati* land of the petitioners, about which there is an application/ representation filed by the petitioners' son opposing the same vide Annexure- 3/1 bearing diary no. 3025 dated 27.07.2022.

3. Learned counsel for the petitioners further submits that there is already a special letter issued at the level of the District Magistrate, Samastipur vide dated 14.09.2018 bearing Memo No. 2256 dated 20.10.2018 that the private land shall not be utilized for the purpose of construction of *nala*. But in the case of the petitioners, the said letter Annexed- 8 is being violated. Counsel submits that on the application/representation, there is no decision has been taken till date.

4. Learned counsel for the State submits that the Collector, Samastipur may be directed to decide the application/representation of the petitioners in the light of the order issued from the Office of the District Magistrate, Samastipur itself vide Memo No. 2256 dated 20.10.2018.

5. Learned counsel for the Nagar Nigam has no objection for the same.

6. In this background, the present writ application is disposed of directing the Collector, Samastipur to pass a reasoned and speaking order after providing opportunity of hearing to the petitioners within three months from the date of production of this order before him.

(Dr. Anshuman, J.)

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