

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10718 of 2023

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Yateem Khana Anjuman Khadimul Islam, Kashmiri Kothi, Patna city
Through its Secretary, Syed Hussain Majeed, aged about -48 years, S/o-Syed
Hasan Majeed, R/o- Majeed Compound, Bagh Kalo Khan, P.S.- Khajekalan,
P.O- Patna City, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Additional Chief Secretary, Department of Revenue and Land Reforms,
Government of Bihar, Patna.
3. The Principal Secretary, Road Construction Department, Govt. of Bihar,
Patna.
4. The Collector, Patna.
5. The Executive Engineer, Road Construction Department, Patna City,
Gulzarbagh.
6. The S.D.O., Patna City.
7. The Land Reforms Deputy Collector, Patna City.
8. The Chief Executive Officer, Bihar State Sunni Waqf Board, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Syed Firoz Raza, Advocate
	:	Mr. Syed Kaisar Hassan, Advocate
	:	Mr. Shahrukh Shiddiqui, Advocate
For the State	:	Mr. Md. Khurshid Alam, AAG- 12
	:	Mr. Ebadur Rahman Shekeb, AC to AAG-12
For the Respondent no.8 :	:	Mr. Md. Helal Ahmed, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 28-11-2023

Heard Mr. Syed Firoz Raza, along with Mr. Syed
Kaisar Hassan and Mr. Shahrukh Shiddiqui learned counsel
appearing on behalf of the petitioner, Mr. Md. Khurshid Alam,
learned AAG- 12, along with Mr. Ebadur Rahman Shekeb,
learned AC to AAG-12 appearing on behalf of the State and Mr.
Md. Helal Ahmed, learned counsel appearing on behalf of the

Respondent no.8.

2. The petitioner has filed the present writ petition seeking a direction upon the respondents for the following reliefs :

“i) To issue an appropriate writ, order or direction in the nature of mandamus to dismantle the road from the land belonging to the Petitioner Organisation bearing M.S. Plot No. 408 and 409, ad-measuring 66 decimle and 41 decimle respectively situated at Kangan Ghat, P.S. Chowk, P.O-Jhauganj, Patna City and to handover possession of the same to the Petitioner Orgnisation as the same was forcefully taken over by the State Administration after dismantling the boundary wall and declaring the forceful taking over of the said land to be illegal.

ii) To issue an appropriate writ, order or direction in the nature of mandamus to the Respondent State Authorities to pay adequate compensation to the Petitioner Organisation in lieu of constructing a public road, without any acquisition, on private land of the Petitioner Organisation by demolishing its boundary wall and to reconstruct its boundary wall.

iii) To direct the Respondent State to pay the cost of litigation in favour of the Petitioner Organisation.

iv) To grant any other relief or reliefs which the Petitioner may be found entitled to in the facts and circumstances of the case.”

3. The Yateem Khana Anjuman Khadimul Islam (Petitioner) was formed in the year 1910 at Kashmiri Kothi, Patna city. The petitioner is aggrieved that no notice was given to the petitioner and the authorities have dismantled the Yateem Khana without giving any time. Petitioner has represented his grievances before the District Magistrate, however, no action

has been taken in this regard by the District Magistrate.

4. Learned counsel appearing on behalf of the petitioner seeks that a direction be given to the District Magistrate, Patna to take appropriate action on the representation of the petitioner, which was filed on 02.04.2023 and to proceed in accordance with law.

5. The District Magistrate, Patna is directed to take appropriate action on the representation of the petitioner, preferably within 6 weeks from the date of communication of this order and dispose of the representation of the petitioner after giving him the opportunity of hearing. In case petitioner is entitled for the reliefs prayed for in the writ petition, the same be done within the period prescribed in case the land in question is his Khatiyani land. The petitioner is also required to be duly compensated.

6. Accordingly, the present writ petition stands disposed of.

(Purnendu Singh, J.)

Ashishsingh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.11.2023
Transmission Date	NA