

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.361 of 2023**

=====

Shailendra Kumar Tiwary Son of Late Parmanand Tiwary R/o Village - Toda,  
Police Station - Sarmera in the district of Nalanda, At present R/o of Kamla  
Shree Market, Nala Road, Police Station - Kadamkuan, in the district of  
Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through its District Magistrate, Nalanda at Biharsharif.
2. The Sub Divisional Officer, Biharsharif.
3. The Land Reform Deputy Collector, Biharsharif, Nalanda.
4. The Deputy Development Commissioner, Nalanda.
5. The Block Development Officer, Sarmera, Nalanda.
6. The Circle Officer, Sarmera Circle, Nalanda.
7. The Mukhiya, Mirnagar Gram Panchayat, Sarmera Nalanda.
8. The Pramukh, Sarmera, Panchayat Samiti, Nalanda.

... .. Respondent/s

=====

**Appearance :**

For the Petitioner/s : Mr. Sanjeev Kumar, Adv.  
For the Respondent/s : Mr. Mukul Prasad, Ac to Gp-18

=====

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL JUDGMENT**

**Date : 20-06-2023**

Heard learned counsel for the petitioner and  
learned counsel for the State.

2. The petitioner has filed this writ petition  
directing the respondent to remove the illegal P.C.C.  
construction of road over the private land of the petitioner,  
which was erected without any consent and behind the back of  
the petitioner.

3. Learned counsel for the petitioner submits that as  
per his knowledge, there is no valid acquisition proceedings has  
been initiated on the said land. Counsel submits that the  
petitioner has filed representation before the Deputy

Development Commissioner, Biharsharif, Nalanda, the Land Reform Deputy Collector, Biharsharif, Nalanda as well as to the Collector, Nalanda (Biharsharif) but nothing happened. He further submits that as per his knowledge, the Circle Officer, Sarmera Circle, Nalanda has measured his land and as per the report of Amin, it has been found that construction of road has been made on the petitioner's plot bearing Khata No. 192, Plot No. 2742, Area 11 Decimal.

4. Upon the specific query of the Court that whether the said map has been placed before the Collector, Nalanda (Biharsharif) with petitioner's representation or not, counsel fairly submits that at the time of representation, he has not placed the said map before the Collector, Nalanda (Biharsharif).

5. Counsel for the State submits that the petitioner may be directed to file fresh representation alongwith all the documents as well as the documents related to title and position of the said land before the Collector, Nalanda (Biharsharif), so that decision may be taken place at the Collector level as, what to do in this matter.

6. In this background, this Court directs the petitioner to file fresh representation within four weeks' with

copy of the writ petition as well as the documents of the title position related to the said property and upon his representation, the Collector, Nalanda (Biharsharif) shall decide this issue within six weeks’ thereafter, if it has been found that petitioner has title of the said land.

7. With this observation, the present writ petition stands disposed off.

**(Dr. Anshuman, J.)**

sadique/-

|                   |  |
|-------------------|--|
| AFR/NAFR          |  |
| CAV DATE          |  |
| Uploading Date    |  |
| Transmission Date |  |