

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9047 of 2018

Nalanda Zila Khadi Gramodhyog Sangh Son of Ram Udgar Chaudhary,
Resident of Nalanda Zila Khadi Gramodhyog Sangh, Head Office Campus,
Mohalla- Kagji Chak, Police Station- Biharsharif Sadar, District- Nalanda.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Collector-cum-District Magistrate, Nalanda, Biharsharif.
3. The District Land Acquisition Officer, Nalanda, Biharsharif.
4. The Circle Officer, Ekangarsarai, Nalanda, Biharsharif.
5. The Executive Engineer, Gramin Karya Bibhag, Karya Pramandal-2, Hilsa Nalanda.
6. The Director, Bhutatwa and Khanan Bibhag, State Office, Patna-17.
7. The Joint Secretary, Yuva and Puratatwa Bibhag, Bihar, Patna Vikash Bhawan, New Secretariat, Bailey
8. The Chairman/Secretary, Dhatri Pustakalaya, Telhara, Nalanda Biharsharif.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sunil Kumar, Mr. Vijay Kumar Mishra, Advocates
For the Respondent/s	:	Mr. S.K. Mandal- SC 3 Mr. Bipin Kumar, AC to SC 3

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 18-11-2024 In he instant writ petition, petitioner has prayed for
the following relief(s) :-

“For issuance of an appropriate writ/writs, order/orders, direction/directions towards quashing the order issued under letter No. 119 dated 13.01.2018 passed by the District Magistrate, Nalanda, whereby it has been wrongly concluded that Sangh is not working and the land in question had been gifted to the Sangh in terms of condition that if the Sangh is not properly operational, the said land would be retained by Dhatri



Pushtakalay and accordingly, the said land has been retained and out of 47 decimal land 35 decimal land has been transferred to Archaeological Department for the execution of Government Scheme for construction of a Museum upon which construction work is in operation and the petitioner's claim has been rejected whereas the Sangh was working properly and during that course without any reason the land amalgamated and out of which 35 decimals land have entrusted to Archaeological Department, which is impugned and further if viewing the archaeological importance, the respondent authorities be directed to manage the settlement of the petitioner's Sangh Establishment elsewhere with appropriate compensation as the petitioner's Sangh has invested a huge amount in construction work over the said land. Further for Relief/Reliefs for which the petitioner is entitled under the facts and circumstances of the case.

2. Learned counsel for the petitioner submits that in the light of direction of this Court in CWJC No. 13613 of 2011, petitioner represented the matter before the District Magistrate on 29.01.2016 (Annexure-7), which was rejected by order dated 19.01.2018 (Annexure-8). Learned counsel submits that petitioner is ready to file fresh representation for sympathetic



consideration by the concerned authority.

3. Learned counsel for the State submits representation filed by the petitioner was considered on merit on the basis of report submitted by the Revenue Karmachari and the Circle Officer, Ekangarsarai to the effect that Sangh is not operational over the land in question gifted by Dhatri Pushtakalaya, therefore, as per pre-condition the land was retained by Dhatri Pushtakalaya. Learned counsel submits that in the light of aforesaid, the present writ petition is not maintainable and the same is liable to be dismissed.

4. Considering the facts and circumstances of the case and the arguments advanced on behalf of both the parties, since the representation filed by the petitioner has already been decided in the light of direction given by this Court in CWJC No. 13613 of 2011, the present writ petition is disposed of as not maintainable. However, disposal of the present writ petition would not be a hurdle for the petitioner to approach the concerned authority by filing fresh representation within a period of six weeks from the date of receipt of this order.

(Alok Kumar Pandey, J)

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