

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9296 of 2016

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1. Mathura Prasad and Anr S/o late Bihaspat Mahto
 2. Rajiv Kumar S/o Mathura Prasad All R/o Village- Sultanpur, PS Ekangar Sarai, District Nalanda.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. District Magistrate Cum Collectro Nalanda.
3. Deputy Development Commissioner, Nalanda.
4. Additional Collector, Nalanda.
5. District Programme Officer, Nalanda.
6. S.D.I. Hilsa Nalanda.
7. D.C.L.R. Hilsa Nalanda.
8. Block Development Officer, Ekangar Sarai Nalanda.
9. Anchal Adhikari Ekangar Sarai Nalanda.
10. Thanandhayaksh, Aungari Ekangar Sarai Distt Nalanda.
11. Mukhia , Gram Panchayat Raj Gomhar, Distt Nalanda.
12. Sri Sheo Kumar Singh S/o, R/o Village Saldar Pur PoPS Hilsa Dist Nalanda.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rewti Kant Raman, Advocate
For the Respondent/s : Mr. Nivedita Nirvikar- GA-10

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-02-2024 Heard the parties.

2. The present petition has been preferred for the following relief:

*“That this application is for issuance of
a writ/order/directions to the respondents not
to construct Road in Chak Plot nos.311
appertaining to Chal Khata no. 32 area 38*



dec. of Village Sultanpur, P.S. Ekangar Sarai, P.s. no. 47, District Patna now Nalanda ignoring the claim of the petitioners as said plot is their ancestral land has been recorded in the name of Brihaspat Mahto, the father of petitioner no.1 as not a single inch of the land of the aforesaid plot has been acquired by the State of Bihar till date and also for protection of the life and property of the petitioners.”

3. A counter affidavit on behalf of respondent Nos. 2 to 9 duly put on affidavit by Circle Officer, Ekangar Sarai, Nalanda is on record. Learned counsel for the petitioner has taken this Court to the paragraph Nos. 7 and 8 of the said counter-affidavit which read as follows:

“7. That it is humbly submitted that objection, further work of construction of road was stopped. It is further stated in the report of the Revenue Karamchari that without proper measurement construction work of the road has been done by the concerned contractor as a result of which the



part of raiyati land vide plot no. 311 has been utilized. From perusal of the report of the Anchal Amin it is further apparent that on 16.07.2016 measurement of the land in question was done in presence of the writ petitioner and other Co-Villagers, who put their signatures in support of their presence at the spot. In cause of measurement it was detected that in southern west side of Plot No. 311, towards west, from, North to south 8'6" and from southern west side of the said land towards east to west 87'6" and after that toward eastern side from to south 5'0" admeasuring total area 1.355 dec. land has been utilized in construction of road by way of filling earth over the same.

8. That it is pertinent to mention here that in the light of reports submitted by the Revenue Karamchari and Anchal Amin, the concerned authority R.W.D. Hilsa has been requested to take proper steps for redressal of the grievances of the writ petitioners vide



*letter no. 1119, dt. 30.07.2016 issued by the
respondent no. 9.”*

4. In the light of the accepted facts, instead of keeping the case pending, it would be appropriate that the Collector, Nalanda (respondent No. 02) is directed to take immediate decision in the matter, if still it has not been taken. The petitioner to approach the respondent No. 02, Collector, Nalanda, Biharsharif within a period of four weeks from today and he shall see to it that an order is passed after hearing the parties and the matter is taken to its logical conclusion in the light of the averments made in paragraphs 7 to 8 of the counter-affidavit.

5. The entire exercise has to be completed within a period of four months from the receipt of the representation preferred by the petitioner.

6. The writ petition stands disposed of.

(Rajiv Roy, J)

Adnan/-

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