

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2412 of 2017

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1. Barun Kumar son of Late Purnanand Puri
 2. Mrs. Usha Puri wife of Barun Kumar Puri
 3. Mrs. Apurva Puri D/o Barun Kumar Puri
 4. Rishi Raj Puri son of Late Arun Kumar Puri
 5. Chaitanya Puri Mahant son of Late Arun Kumar Puri
 6. Kartik Kumar Puri Mahant son of Late Arun Kumar Puri All residents of Mohalla - Mehdiganj, P.S. - Mehdiganj Old Khajekalan, Patna City, Patna - 800008, At present Puri Niwas Rd. No. 6/c, Rajendra Nagar, P.S. - Kadamkuan, Dist - Patna - 800016.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Additional Secretary Department of Revenue and Land Reforms, Govt. of Bihar, Patna.
3. The Commissioner, Patna.
4. The Land Acquisition Officer, Bihar, Patna.
5. The District Magistrate, Patna.
6. The Deputy Collector Land Reforms, Patna Sadar, Patna.
7. The S.D.O. Patna Sadar, Patna.
8. The Circle Officer, Patna Sadar, Dist - Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Kulanand Jha, Advocate Mr. Alok Kumar Choudhary, Advocate
For the Respondent/s	:	Mr. S.C.Yadav- Gp15

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 12-01-2024 Heard learned counsel for the petitioners and the State.

2. This writ petitioner has been filed for issuance of direction to the respondent authority to return the land measuring 1 acre 82 decimals bearing Mauza- Sadikpur



Sangrampur, Thana No-17 Khata No-167 Khesra No- 243 Ward No-20 Municipal Plot No- 2356 or pay compensation amount.

3 . It is submitted on behalf of the petitioner that the said land measuring 1 acre 82 decimals bearing Khata no. 167, Khesra no. 243, Municipal Plot no. 2356, Mauza Sadikpur Sangram was purchased vide sale deed dated 18.07.1946 by the father of the petitioner no.-1 late Purnanand Puri from Most. Lalita Kuer. The petitioners have inherited the said land from late Purnanand Puri and they have been possession of the said land and have been continuously paying rent regarding the said land.

4. The learned counsel for the State refers to the counter affidavit filed on behalf of respondent No. 5 and submits that the land in question is concerned with the acquisition of land for Nalanda Medical College and Hospital, and one valuation of L.A. case N-102/58-59, which is very old, i.e., about 60 years old, which is available in the District Land Acquisition Office, Patna. It is further submitted that the valuation register also shows that Survey Plot No. 243/2356, situated at Mauza-Sadikpur Snagrampur, is under acquisition for Nalanda Medical College and Hospital. It is further submitted that from the perusal of the said valuation register, it has transpired that



the said Plot No. 243/2356 is mentioned as Gair Majaura Aam Land, the nature of the land is Garha, and the award is prepared via Award No. 16 in the name of Patna Corporation.

5 . Considering the rival submissions of the parties and the materials available on record, the dispute raised by the parties, whether the land in question is *raiyati* land of the petitioner or it is a government land, cannot be decided in the writ petition. There is a great deal of dispute over the question, which would require a detailed examination of the evidence. The question is best decided by a suit, and proceeding under Article 226 of the Constitution would not be appropriate for the decision.

6. This writ petition is accordingly dismissed with the liberty to seek remedy before the appropriate forum as may be available to him in accordance with law.

(Prabhat Kumar Singh, J)

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