

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13148 of 2025

1. Kamal Kant Son of Sahdeo Prasad Singh, Resident of Present at H. No. 87, Shiv Path Bhatia Basti P.O. Kadma Village and Post Office- Kudhni, Police Station- Jamshedpur, District- Purbi Singhbhu, State Jharkhand, Permanent Address village- Chhoti Malawan, P.O.- Badi Malawan, P.S.- Sarmera, District- Nalanda.
2. Bhagwan Dhari Prasad, Son of Late Sri Sri Mahto, Resident of Village- Chhoti Malawan, P.O. Badi Malawan, P.S.- Sarmera, District- Nalanda.
3. Vikash Kumar, Son of Late Ramchandra Prasad, Resident of Village- Chhoti Malawan, P.O. Badi Malawan, P.S.- Sarmera, District- Nalanda.
4. Shishupal Kumar, Son of Late Vinod Prasad, Resident of Village- Chhoti Malawan, P.O.- Badi Malawan, P.S. Sarmera, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through its The Principal Secretary, Revenue Department Patna, Bihar.
2. The District Magistrate, Nalanda.
3. The Additional District Magistrate, Land Reforms, Nalanda.
4. The Deputy Development Commissioner-cum-Chief Executive Officer, Nalanda.
5. The Sub-Divisional Officer, Nalanda at Biharsharif.
6. The Circle Officer, Sarmera, Nalanda.
7. Shri Sunil Kumar Panchayat Secretary, Sarmera, Nalanda.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ram Prakash Kumar, Advocate
For the Respondent/s : Mr.Standing Counsel (21)

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 19-08-2025 Heard the parties.

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

(i) the petitioner seeks to direction to respondent no 6 to maintain status duo/stay the illegal working (पईन उड़ाही) yojna 190/23-24. which the petitioners land bearing



Panchayat Malawan, Thana no 71, Khata no 284, Khesra no 3425 and 2 to 3 Decimal land each petitioner under Sarmera Block under Nalanda District, which right and title belong to the petitioners without physical/monitory verification;

(ii) for restraining the respondents including the private respondents from interfering with the peaceful possession of the petitioners and/or his family members over the land in question;

(iii) for any relief(s) for which the petitioners are deemed to be entitled in the eye of law.

3. After some argument, learned counsel for the petitioners submit that though earlier they approached the respondent no.4, the Deputy Development Commissioner-cum-Chief Executive Officer, Nalanda, Bihar Sharif, he has chosen to look the other way.

4. There is no representation either on behalf of the State and/or the Zila Parishad, Nalanda.

5. This Court has gone through the earlier order of the Patna High Court as also the guidelines issued by the Panchayati



Raj Department, Bihar, Patna dated 17.06.2013 (Annexure-P/3) and this Court is of the opinion that the respondent no.4, the Deputy Development Commissioner-cum-Chief Executive Officer, Nalanda, Bihar Sharif has to take a decision, if the petitioners prefer separate representation before him/her.

6. In that background, the writ petition is disposed of allowing the petitioner to individually submit their respective representation in four weeks before the concerned respondent, the Deputy Development Commissioner-cum-Chief Executive Officer, Nalanda, Bihar Sharif who is duty bound to take a decision in eight weeks.

7. Any development that happens in between, shall be subject to the final outcome of the reasoned order to be passed by the concerned respondent, the Deputy Development Commissioner-cum-Chief Executive Officer, Nalanda, Bihar Sharif

8. The writ petition is disposed of with the aforesaid observation.

(Rajiv Roy, J)

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