IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3993 of 2024

CNR No. BRHC010186152024

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Mohammed Islam Son of Mohammed Ajij Resident of Mohalla- Chajjou Talab Per, P.S.- Bihar, District- Nalanda.

... ... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development Department, New Secretariat, Patna, Bihar.
2. The Collector, Nalanda at Bihar Sharif.
3. The Additional Collector, Land Acquisition Officer, Nalanda at Bihar Sharif.
4. That Circle Officer, Bihar Sharif, District- Nalanda.
5. The Commissioner, Nagar Nigam, Nalanda at Biharsharif, Nalanda.
6. The Deputy Commissioner Nagar Nigam, Biharsharif, District- Nalanda.

... ... Respondent/s

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Appearance :
For the Petitioner/s : Mr.Anil Chandra, Advocate
For the Respondent/s : Mr.Kamlesh Kumar, GP-28
Mr. Suresh Kumar, AC to GP-28

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

5 23-11-2026 Heard Mr. Anil Chandra, learned counsel for the petitioner and Mr. Suresh Kumar, learned AC to GP-28 for the State.

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

(i) for a direction to the Respondents authorities to take measurement of land of petitioner appertaining to Thana No. 119, Khata No. 47, Plot No. 1044 mauza- Singarhat, District- Nalanda, has acquired

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for construction of Chief Minister Nali-gali Yojana, without serving any notice to the petitioner under section 21 of Land Acquisition, Rehabilitation and Resettlement Act 2013;

(ii) for a direction to the Respondents authorities to pay compensation to the petitioner equal to land acquired by them on which the Respondents have constructed drainage under Chief Minister Nali-gali Yojana;

(iii) to grant any other appropriate relief / reliefs for which the petitioner is entitled as your lordships may deem fit and proper for the end of justice.

3. The counter affidavit of the Collector, Nalanda is on record, according to which, an enquiry was conducted under the Sub-Divisional Officer, Biharsharif comprising the L.R.D.C. of the said district and it has been found to be a gairmazarua aam gaddha (ditch). Further, the petitioner was found to be encroaching some portion of the land for which Encroachment Case No. 07 of 2023-24 was initiated but later, as no

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construction was found, it was dropped.

4. Learned counsel for the petitioner submits that there was a Jamabandi up-till the year 1984 and the same can be proved in a competent Court of law.

5. Learned State counsel submits that there is complicated question of law which has to be decided by a competent Civil Court and not under Article 226 of the Constitution of India.

6. Taking into account the submissions of the parties, as also that there is claim and counter claim, the petitioner has staked claim over the land which has been countered by the Collector, Nalanda after conducting an enquiry, in that background, the petitioner has the liberty to knock the doors of the competent Civil Court for the redressal of the grievance.

7. No writ can be issued on such complicated matter where claim/counter claim has been made.

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

(Rajiv Roy, J)

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