

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7603 of 2026

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Ishaan Jashe Son of Mahtab Alam Resident of Ward No.- 41, Sufinagar,
Thawaj, P.O.- Biharsharif, Head Office, P.S.- Laheri, District- Nalanda, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Managing Director, South Bihar Power Distribution Company Ltd.,
Vidyut Bhawan, Bailey Road, Patna.
3. The District Magistrate and Collector, Nalanda, Bihar.
4. The Sub- Divisional Officer, Bihar Sharif, Nalanda, Bihar.
5. The Circle Officer, Bihar Sharif, Nalanda, Bihar.
6. The Chief Executive Officer, Bihar State Sunni Waqf Board, Haj Bhawan,
Harding Road, Patna, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Netan Chouhan, Advocate
For the State	:	Mr. S. D. Sanjay, Advocate General Mr. Shashwat Agarwal, AC to AG
For the SBPDCL	:	Mr. Vivek Prasad, SC Mr. Pratiyush Kumar, AC to SC

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA

ORAL ORDER

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

3 15-07-2026

Heard learned counsel for the parties.



2. The petitioner has preferred the present writ application in the form of Public Interest Litigation for the following reliefs :-

- “1. i. For issuance of a writ in the nature of Mandamus directing the respondents to immediately stop the ongoing construction of a power grid (2x10 MVA) at Mazar/Kabristan situated at Neemganj, Pichhata Ghat, Bihar Sharif, Nalanda;*
- ii. For issuance of a writ in the nature of Mandamus directing the respondents to conduct a fair, independent and time-bound inquiry into the legality and status of the land in question;*
- iii. For issuance of a writ directing the respondents to restore the land to its original condition, if found to be a Waqf/Kabristan property;*
- iv. For issuance of a writ directing respondent authorities not to interfere with the religious character of the said land;*
- v. For any other order/orders as this Hon'ble Court may deem fit;”*

3. A counter affidavit has been filed on behalf of Respondent no.5. The relevant paragraph of the said counter affidavit is extracted hereinbelow:

"13. That the allegations made in the writ petition that the entire land in question is a notified Waqf property and that the power infrastructure project is being constructed over a Kabristan/Mazaar land are not borne out from the revenue records available in the office of the answering respondent.

14. That the petitioner has failed to bring on record any revenue entry, survey record, jamabandi or any conclusive document demonstrating that the entire land comprised in Khata No.212, Khesra No.450 is recorded as Kabristan or Mazaar in the revenue records



maintained by the State authorities."

4. Further, upon due enquiry and verification, the competent authority prepared a report dated 16.06.2026. The said report has also been brought on record vide annexure 'A' to the counter affidavit filed on behalf of Respondent No. 5, which is reproduced hereinbelow:-

Annexure A 12 62

सेवा में,
अंचल अधिकारी,
बिहारशरीफ, नालन्दा।

विषय:- C.W.J.C No./2026 Ishaan Jashe बनाम् बिहार राज्य एवं अन्य में अनुमोदित ओथ दायर करने के संबंध में।

प्रसंग:- प्रभारी पदाधिकारी, जिला विधि शाखा, नालन्दा के पत्रांक-1236/विधि, दिनांक- 20.04. 2026

महाशय,

उपर्युक्त विषयक एवं प्रासंगिक पत्र के आलोक में वर्णित भूमि का राजस्व अभिलेख से मिलान एवं स्थलीय जाँच किया गया जिसकी विवरणी निम्नवत् है:-

(1) खतियानी विवरणी:-

मौजा/थाना नं०	खाता	खेसरा	रकबा	असामी का नाम	किस्म
हाजीपुर मखदुपुर/114	212	450	2 एकड़ 53 डी०	गैरमजरूआ मालिक	तरबन्नी

(2) जमाबंदी विवरणी:-

❖ उपरोक्त वर्णित भूमि की जमाबंदी किसी भी रैयत के नाम से कायम नहीं है।

(3) स्थलीय जाँच विवरणी:-

❖ RBSS परियोजना के अन्तर्गत 33/11 KV विद्युत शक्ति उपकेन्द्र निर्माण हेतु बिहारशरीफ प्रखण्ड हाजीपुर मखदुपुर मौजा में 60 डी० भूमि पर कार्य प्रारंभ है।

❖ पिसट्टा दरगाह उक्त खेसरा के 03 डी० भूमि पर अवस्थित है जिसे योजना क्रियान्वयन हेतु चयनित भूमि से अलग रखा गया है।

आपका विश्वासी

Chandran
श्री चन्दन कुमार, राजस्व कर्मचारी,
अंचल कार्यालय, बिहारशरीफ।



5. Upon a bare perusal of Annexure-A, it transpires that the land in question is recorded as public land. However, the said report, does not, in any manner, reflect or indicate that the land in question is recorded as a cremation ground.

6. In view of the aforesaid facts and materials available on record, this Court finds no merit in the present Public Interest Litigation.

7. Accordingly, the present writ application stands dismissed.

8. Pending application(s), if any, shall also stand disposed of.

(Sudhir Singh, ACJ)

(Rajesh Kumar Verma, J)

Vanisha/Gaurav

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