

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.7299 of 2020**

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Awadhesh Prasad Son of Late Ram Swarup Mishtri Resident of Village-  
Shahpur Panhar, Patel Nagar, Police Station- Islampur Khodaganj, District-  
Nalanda.

... .. Petitioner

Versus

1. The State of Bihar.
2. The Principal Secretary Revenue and Land Reforms Department, Bihar,  
Patna.
3. The District Forest Officer , District- Nalanda.
4. The Collector Nalanda (Biharsharif).
5. The Land Acquisition Officer Biharsharif, Nalanda.
6. The Circle Officer Islampur, District- Nalanda.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Alok Kumar Choudhary, Advocate  
For the Respondent/s: Mr. Khurshid Alam, AAG-12

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**CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN**

**ORAL JUDGMENT**

**Date : 30-11-2021**

Learned counsel for the petitioner seeks permission to  
make correction in the description of respondent no. 3 in the array  
of parties as “The District Forest Officer, District-Nalanda”  
inadvertently mentioned as “The Forest Officer, Hilsa, District-  
Nalanda”, which is permitted to be corrected during the course of  
the day.

2. Heard learned counsel for the petitioner and learned  
counsel for the respondents. Learned counsel for the petitioner has  
filed an undertaking to remove all defects pointed out by the Stamp  
Reporter as and when required. It is accordingly directed that all  
defects pointed out by the Stamp Reporter be removed within one  
month hereof.



3. The present writ petition has been filed for the following reliefs as formulated by the petitioner-

*“(a) For issuance of writ in the nature of Mandamus directing and commanding the respondents not to acquire lands bearing Khata No. 267 Khesra No. 761 Area 92 decimal and 72 decimal which is purchased land of the petitioner vide Sale Deeds dated 22.09.1980 and 29.09.1983 and name of the petitioner mutated over the said land and Jamabandi has also been created in the name of petitioner and petitioner is paying rent to the State of Bihar till date and petitioner is coming in peaceful possession over the said land since 1980, but without due process and notice to petitioner, the lands of petitioner is being acquired and hence construction if any may be stayed till final disposal of the case.*

*(ii) To grant other any relief or reliefs under which the petitioner found entitled to the facts and circumstances of the case.”*

4. Learned counsel for the petitioner claims to be owner of the subject land which is sought to be acquired without notice issued by the Forest Department and without grant of opportunity to the petitioner of being heard. In this regard, he has filed a representation before the Forest Divisional Officer, Hilsa, Nalanda (Annexure-4).



5. Learned counsel for the State appears and has been heard.

6. Having regard to the nature of the grievance of the petitioner, the writ petition is disposed of granting liberty to the petitioner to file a fresh representation before the District Forest Officer, Nalanda (respondent no. 3) for redressal of his grievances. If any such representation is filed within a period of two weeks hereof, the same shall be considered and disposed of on its own merits in accordance with law and after grant of an opportunity of hearing to the petitioner, expeditiously and in any event preferably within a further period of three months thereafter.

7. Office shall follow-up to ensure that all defects are removed and compliance with the notices of this Court are made by the petitioner within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

**(Vikash Jain, J)**

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<b>AFR/NAFR</b>	NAFR
<b>CAV DATE</b>	N.A.
<b>Uploading Date</b>	02.12.2021
<b>Transmission Date</b>	N.A.

