

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15657 of 2013

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1. Shri Umesh Prasad Singh S/O - Late Ram Babu Singh Resident Of Mohalla - Makhdumpur, P.S. - Digha, P.O. - Digha Ghat, District - Patna
  2. Shri Naresh Prasad Singh @ Naresh Kumar S/O - Late Ram Babu Singh Resident Of Mohalla - Makhdumpur, P.S. - Digha, P.O. - Digha Ghat, District - Patna
  3. Shri Ram Pravesh Singh S/O - Late Ram Babu Singh Resident Of Mohalla - Makhdumpur, P.S. - Digha, P.O. - Digha Ghat, District - Patna
  4. Shri Ajay Dipu Kumar S/O - Late Ram Babu Singh Resident Of Mohalla - Makhdumpur, P.S. - Digha, P.O. - Digha Ghat, District - Patna
  5. Shri Om Prakash S/O - Late Ram Babu Singh Resident Of Mohalla - Makhdumpur, P.S. - Digha, P.O. - Digha Ghat, District - Patna

.... .... Petitioner/s

Versus

1. The State Of Bihar
2. The Commissioner-Cum-Secretary, Department Of Land and Revenue Reforms, Govt. Of Bihar, Patna
3. The Secretary, Road Construction Department, Govt. Of Bihar, Patna
4. The District Magistrate-Cum-Collector, Patna
5. The Additional Collector, Land Acquisition, Patna
6. The D.C.L.R., Patna Sadar, Patna
7. The Circle Officer, Patna Sadar, Patna
8. Navyug Engineering Company Ltd.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. SHRI PRAKASH SRIVASTAVA

For the Respondent/s : Mr. NIRBHAY K.SINGH

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**CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL**

**ORAL JUDGMENT**

**Date: 13-05-2016**

Heard.

The writ application seeks a direction upon the State respondent(s) not to interfere with his land(s) situate within Mauza Khilchipur Digha, Thana No.141, Tauzi No.5178(original) and 5178/7 (Partitioned Tauzi) measuring an area of 5-19-0 as the petitioner claims title and ownership thereof.

A counter affidavit on behalf of respondent no.3 is filed.

Counsel for the State draws attention of the court to the averments

made in paragraph 7 and 8 of the counter affidavit of respondent no.3 which reads as under:-

“7. That the Secretary, Road Construction Department, Bihar, Patna has submitted requisition to acquire the land for construction of Ganga Drive Way from Digha to Deedarganj at Patna vide letter no.73 dated 19.04.12 The land at Mauza Digha Dyara, thana no. 141, total area 19.980 acre is also in requisition. However, no Notification and Declaration u/s 4 & 6 of L.A. Act has been issued with regard to that Mauza No. L.A. Proceeding has been initiated up till now.

8. That the petitioners have not stated about survey plot no. of the said land however Tauzi no. 5178 or 5178/7 is not in requisition submitted by the Requisitioning authority in Mauza-Digha. There is also no requisition to acquire land of Mauza-Khilchipur Digha.”

On the basis of the aforesaid statements, it is stated that the land claimed by the petitioner details whereof provided in paragraph 1 has not been requisitioned by the authority. It has also been pointed that no notification and declaration under sections 4 and 6 of the Land Acquisition Act have been issued.

Seen thus, in my view, the application appears misplaced. It is accordingly dismissed.

**(Kishore Kumar Mandal, J)**

HR/-

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