

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19759 of 2013

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1. Birmani Bir Pratap S/O Ram Lakhan Paswan Resident Of Village- Pilchi, P.S- Daudnagar, District- Aurangabad.
 2. Anand Kumar S/O Mahichand Ram Resident Of Village- Pilchi, P.S- Daudnagar, District- Aurangabad.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Chancellor Of University, Bihar Raj Bhawan, Patna.
3. The Vice- Chancellor, Magadh University, Gaya.
4. The Principal, Daudnagar College, Daudnagar, District- Aurangabad.
5. The District Magistrate, Aurangabad.
6. The Sub- Divisional Officer, Daudnagar, District- Aurangabad.
7. The District Land Acquisition Officer, Aurangabad.
8. The Circle Officer, Daudnagar, Aurangabad.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Phulendra Kumar, Advocate
For Magadh University	:	Dr. Kumar Amitesh, Advocate
For the Respondent/s	:	Mr. Sita Ram Yadav, G.P.-16

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

4 29-10-2018 Heard learned counsel for the petitioners and counsel appearing for the State as well as Dr. Kumar Amitesh for Magadh University.

Learned counsel appearing on behalf of the petitioners has drawn attention to this Court to order contained in Annexure-8 dated 7.9.2008 whereby the office of the Hon'ble Chancellor has requested to Vice-Chancellor Magadh University



to consider the case of the petitioners sympathetically in the matter of appointment against Class-IV post, in the view the fact that their land was acquired and used by the Daudnagar college. From letter contained in memo No.65 dated 7.9.2009, it is manifest that neither the petitioners were considered for appointment on account of acquisition of their land nor they were paid compensation.

So far as appointment of the petitioners against the class IV post in the college in question is concerned, the Court cannot issue any positive direction at this stage, however, if the land of the petitioners were acquired by the respondent authorities then it was obligatory to pay compensation for acquiring the land as property of the petitioners cannot be acquired against their wishes and in any view of the matter without payment of cost.

Accordingly, the writ petition is disposed of with a direction to the University to determine the amount payable to the petitioners for acquisition of their land i.e. 3.5 decimal land for use of the Daudnagar College. Necessary compensation for acquiring the land of the petitioners for utilization in connection with the Daudnagar college may be taken by the respondent University within a maximum period of four months from the



date of receipt / production of a copy of this order.

With the aforesaid the writ petition stands allowed
and disposed of.

(Anil Kumar Upadhyay, J)

T.Kr./-

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