

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5923 of 2019

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Santosh Kumar Singh, Son of Raj Kishore Singh Residence of Mohalla-Sherpur, Post Office- Basudeopur, Police Station- Kotwali, District- Munger.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Commissioner Revenue and Land Reform Department, Bihar, Patna.
2. The District Magistrate and Collector Munger.
3. The Land Reform Deputy Collector Sadar, Munger.
4. The Circle Officer Sadar, Munger.
5. The Director Land Acquisition Bihar, Patna.
6. The District Land Acquisition Officer Munger.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Arvind Kumar Tewary Mr. Manoj Kumar Singh
For the Respondent/s	:	Mr. Rishi Raj Sinha (SC-19) Ms. Archana Prasad AC to SC-19

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 01-04-2019 Heard learned counsel for the parties.

It is the petitioner's claim that his land has been acquired for construction of approaching road to National Highway but he has not been paid any compensation against the said acquisition. He had approached the Officials raising his grievance but not only that his claim has been turned down, the District Magistrate, Munger, by order dated 30.06.2018, has asked the Circle Officer, Munger to initiate a proposal for action



under Section 9 of the Bihar Land Mutation Act, 2011, for cancellation of *jamabandi* of the land, which is subject matter of acquisition.

Learned counsel, appearing on behalf of the petitioner, has submitted that the petitioner's ancestors had acquired the land after settlement by ex-intermediary whereafter they came in possession and the petitioner also came in possession remained in continuous possession. A *jamabandi* was duly created thereafter in the petitioner's name, which is being denied by the authority.

On perusal of the pleadings on record, it is not difficult to reach a conclusion that the petitioner's title over the land, in question, has been disputed by the respondent-State of Bihar. This Court in a proceeding under Article 226 of the Constitution of India, cannot declare the petitioner's title either way. This application is disposed of with the observation that the petitioner shall be at liberty to approach the civil court of competent jurisdiction for establishing his right, title and interest over the land, in question.

It goes without saying that the State-respondent will be obliged to compensate the petitioner in accordance with the provisions of law, dealing with acquisition of his land, if



petitioner finally succeeds in getting declaration of his right and title over the land, in question.

This application stands disposed of.

(Chakradhari Sharan Singh, J)

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