

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1439 of 2017

1. Ram Balak Thakur and Anr S/o Late Pradeep Narayan Thakur.
2. Chandrashekhar Thakur, S/o Late Ramekbal Thakur, Both Resident of Village- Koari, P.S.- Sursand, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
3. The Collector, Sitamarhi, District Sitamarhi.
4. The Deputy Collector, Land Reforms, Pupri, District- Sitamarhi.
5. The Circle Officer, Sursand, District- Sitamarhi.
6. The Executive Engineer, State Highway Division, Sitamarhi.
7. The Executive Engineer, Rural Work Department, Rural Works Division, Sitamarhi.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Shally Kumari
For the Respondent/s	:	Mr.S.C. Yadav- Gp15

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

8 29-04-2019 The grievance of the petitioner in the present writ application is utilization of land of the petitioner without acquisition of the land.

Learned counsel appearing on behalf of the petitioner would submit that State may in public interest acquire any land but in no case the State can utilize the land without acquisition of land and payment of compensation. The land in question is Khatiyani land of the petitioner.

Learned counsel appearing on behalf of the State



would submit that after filing of the present writ application, the State has filed Title Suit No. 76 of 2018 whereas this writ petition was filed on 28.01.2017. He is not in a position to dispute that the revenue records maintains that the petitioner is owner of the land and so long as the revenue record is not corrected in accordance with law, the petitioner would be entitled to compensation for use of land which is standing in the name of the petitioner.

Mr. Rakesh Kumar, learned GP-15 submits that the aforesaid proposition is not in dispute. However, he submits that the payment of compensation may be made subject to the outcome of the Title Suit No. 76 of 2018.

Considering the aforesaid submission of the parties, the writ petition is disposed of with direction to the Collector, Sitamarhi to ensure payment to the petitioner and thereafter respondents shall be allowed construction.

With the aforesaid caveat, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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