

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2167 of 2018

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Satish Kumar Ray Son of Shri Raj Kishor Narayan Ray, Resident of Village-Darba, Police Station- Tajpur Halai O.P., Distrit- Samastipur.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Director, Directorate, of Land Acquisition, Department of Revenue and Land Reforms, Patna - 800
3. The Divisional Commissioner, Darbhanga, District Darbhanga.
4. The District Magistrate, at Samastipur, District- Samastipur. null null
5. The District Land Acquisition Officer at Samastipur, District- Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Narendra Kumar
For the Respondent/s : Mr.Raj Kishore Roy -GP-18

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

8 06-07-2021 This matter has been taken up for hearing online because of COVID-19 pandemic restrictions.

2. The petitioner claims that he is owner of the land appertaining to Survey Plot/Keshra No. 6071/2430 & 6070/2430,(cadastral survey) situate at Mauza Darba, Thana No. 382, Khata No. 1127 and 1128 (Old Khata No. 999) measuring about 2 acres 31 decimals. He has filed the present writ application raising a grievance that the aforesaid land has been unlawfully acquired by the State respondents for construction of a new Government Industrial Institute without following any procedure of acquisition.

3. In the counter affidavit filed on behalf of the State of Bihar, the title of the petitioner over the land in question has been disputed. It has further been stated that a public notice had been issued to the effect that



the land was going to be utilized for the purpose of said Institute, inviting objections from the general public but there was no objection raised in respect of the land in question. Publication of such notice is being disputed by the learned counsel appearing on behalf of the petitioner.

4. Be that as it may, since the dispute relates to title over the land in question, this Court exercising writ jurisdiction under Article 226 of the Constitution of India should not go into such dispute.

5. The petitioner shall be at liberty to file a suit before a civil court of competent jurisdiction.

6. It goes without saying that the petitioner's claim of fair compensation under the provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 shall depend upon the outcome of such suit.

7. This application stands disposed of with the aforesaid observations.

(Chakradhari Sharan Singh, J)

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