

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11426 of 2016

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Ashok Paper Mills Limited through its Director Bela Godha, Wife of Dharam Chand Godha, resident of J/26, Ground Floor, Paryawaran Complex, IGNOU Road, P.S. Mehrauli, New Delhi 110030.

... .. Petitioner/s

Versus

1. The Union of India through the Joint Secretary, Ministry of Rural Works Department, Krishi Bhawan, Dr. Rajendra Prasad Road, New Delhi.
2. The Joint Secretary, Ministry of Commerce and Industry (Department of Industrial Policy and Promotion) Udyog Bhawan, New Delhi.
3. The State of Bihar through the Chief Secretary, Old Secretariat, Patna.
4. The Secretary, Rural Works Department, 5th Floor, Vishveshwarya Bhawan, Patna.
5. The Executive Engineer, Central Public Works Department, PMGSY Project Division in front of CRPF I.G. Office, Ashiana-Digha Road, Patna.
6. The Principal Secretary, Revenue and Land Development Department (Rajshwa and Bhumi Sudhar Vibhagh), Patna.
7. The District Magistrate, Darbhanga.
8. The Land Acquisition Officer, Darbhanga.
9. The Sub Divisional Officer, Darbhanga.
10. The Circle officer, Hayaghat, Darbhanga.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 11441 of 2016

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Ashok Paper Mills Limited through its Director Bela Godha, Wife of Dharam Chand Godha, resident of J/26, Ground Floor, Paryawaran Complex, IGNOU Road, P.S.- Mehrauli, New Delhi- 110030.

... .. Petitioner/s

Versus

1. The Union of India through the Home Secretary, New Delhi.
2. The Joint Secretary, Ministry of Commerce and Industry (Department of Industrial Policy and Promotion) Udyog Bhawan, New Delhi.
3. The Chairman, Railway Board, Rail Bhawan, New Delhi.
4. The Executive Director Land & Amenities-1 Rail Bhawan, New Delhi.
5. The General Manager, G.M. Office, East Central Railway, Samastipur, District- Samastipur.
6. The Divisional Railway Manager, D.R.M Office, East Central Railway, Samastipur.



7. The SDE-Co-ordination, East Central Railway, Samastipur.

... .. Respondent/s

Appearance :

(In both the cases)

For the Petitioner	:	Mr. Sanjay Singh, Advocate Mr. Anurag Saurav, Advocate Mr. Abhinav Alok, Advocate Mr. Priyajeet Pandey, Advocate
For the U.O.I.	:	Mr. Kumar Priya Ranjan, Advocate
For the State	:	Mr. Kamlesh Kishore, A.C. to S.C.12
For Railways (EC)	:	Mr. Prabhat Kumar Verma, Sr. Advocate Dr. Chandra Shekhar Azad, Advocate
For the Intervenor-Res.	:	Mr. Upendra Prasad, Advocate Mrs. Veena Kumari Jaiswal, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

16 21-01-2021 Heard the parties.

The petitioners of both writ petitions seek following reliefs:

i. For issuance of writ in the nature of mandamus or any other appropriate writ, order or direction to the respondents to make payment of the compensation to the petitioner by applying the rate of compensation as per the current Land Acquisition Act. The land situated at Mauza Malhipatti, Thana No.217, Khata No.2762, Khesra No.826, 1396, 1397, Area 03 acre 69 decimal which the respondents have taken over illegally without adopting Land Acquisition process and without issuing any notice with respect to the same land to the petitioner.

ii. For issuance of any other appropriate writ, order or direction for which the petitioner is entitled to in the facts and circumstances of this case for the ends of justice.



The petitioner claimed that the respondents have encroached upon the raiyati lands of the petitioner by constructing flyover, embankment and road without acquiring the lands in accordance with law. The petitioner also represented before the District Magistrate, Darbhanga to take action for removal of encroachment from the lands of Ashok Paper Mills Limited but till date no action has been taken.

The answering respondents of the State of Bihar in sum and substance denied any encroachment and construction over the lands of Ashok Paper Mills Limited after 1996. Earlier the Government was the proprietor of the Mill. Embankment was made in the year 1975-76. The present proprietor has taken the Mill in the year 1996 by a conditional order of the Hon'ble Supreme Court and since then no part of the land of Ashok Paper Mills Limited is encroached or any construction is made on any part of the land of Ashok Paper Mills Limited. The respondents have denied any construction or encroachment over the land of Ashok Paper Mills Limited after the conditional order of the Hon'ble Supreme Court in the year 1996 by which the Proprietorship of the Mill was handed over to the petitioner.

Mr. Sanjay Singh, the learned counsel for the petitioner and the learned counsel for the respondents very fairly submitted that the writ petitions involve disputed question of facts with



regard to encroachment and construction over the land of Ashok Paper Mills Limited and, therefore, the writ petitions may be disposed of with a direction to the Collector, Darbhanga to hear the petitioner and get the land of Ashok Paper Mills Limited measured and disposed of the representation of the petitioner within four months from the date of such order.

Having considered the submissions of both sides, I think it proper to dispose of these writ petitions with directions to the petitioner to file a detailed representation before the Collector, Darbhanga within four weeks from the date of this order and thereafter the Collector, Darbhanga after having received such representation shall get the entire lands measured according to Khatiyans and ascertain whether any land of Ashok Paper Mills Limited was encroached or any construction is made over the lands of Ashok Paper Mills Limited after handing over the Proprietorship of the Mill to the petitioner and dispose of the representation within four months thereafter.

With the aforesaid observations and directions, the writ petitions are disposed of.

(Prabhat Kumar Jha, J)

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