

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5738 of 2022

1. Nagendra Choudhary Son of Late Rambriksh Choudhary Resident of Village-Chakbarkurva, P.O. Bishundatpur, P.S.-Kanti, District-Muzaffarpur.
2. Chandra Bhushan Chaudahry Son of Bishdeshwar Chaudahry Resident of Village-Chakbarkurva, P.O. Bishundatpur, P.S.-Kanti, District-Muzaffarpur
3. Ram Kali Devi Wife of Devendra Chaudahry Resident of Village-Chakbarkurva, P.O. Bishundatpur, P.S.-Kanti, District-Muzaffarpur
4. Dhananjay Kumar Son of Bindeshwar Chaudhary Resident of Village-Chakbarkurva, P.O. Bishundatpur, P.S.-Kanti, District-Muzaffarpur
5. Kishori Choudhary Son of Late Ram Japu Choudhary Resident of Village-Chakbarkurva, P.O. Bishundatpur, P.S.-Kanti, District-Muzaffarpur
6. Mohan Choudhary Son of Late Mohan Choudhary, Resident of Village-Chakbarkurva, P.O. Bishundatpur, P.S.-Kanti, District-Muzaffarpur
7. Chandeshwar Choudhary Son of Late Langat Choudhary Resident of Village-Chakbarkurva, P.O. Bishundatpur, P.S.-Kanti, District-Muzaffarpur
8. Ratneshwar Chaudahry Son of Ram Rekha Chaudahry Resident of Village-Chakbarkurva, P.O. Bishundatpur, P.S.-Kanti, District-Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary Revenue and Land reforms Department, Govt. of Bihar, Patna.
2. The Union of India through Principal Secretary, Ministry of Petroleum, New Delhi.
3. The Director, Indian Oil Corporation Ltd., Cum Saksham Office, Pipe line Project, Pandey Tola, Railway Gumti, Vishmnpur, Ward no.-7, Jivdhara, P.S.-Piprakothi, East Champaran, 845429.
4. The Commissioner, Tirhut Range, tirhut Commissioner, Muzaffarpur,
5. The District Magistrate, Muzaffarpur.
6. The DCLR, West Muzaffarpur.
7. The District Magistrate, East Champaran at Motihari.
8. The DCLR, East Champaran at Motihari.
9. Nayayalay Saksham Pradhikar, Indian Oil Corporation Ltd., M.M.P.L., Project, Nirman Karyalay, I.R.P.L. Patna, Patna, Hira Niketan, Kaliket nagar, Beli road, Patna-801503.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Yugal Kishore, Advocate Ms. Rupa Kumar, Advocate
For the Respondent/s	:	Mr. Md. Khurshid Alam, AAG-12 Dr. K.N. Singh, ASG Mr. Uday Bhan Singh, Advocate



CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/ Hon'ble Judges through Video Conferencing from their residential offices/residences. Also, the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

Date : 24-06-2022

Heard learned counsel for the parties.

Petitioners have prayed for the following relief(s):-

- (i) For issuance of an appropriate writ in the nature of Mandamus, commanding and directing the respondents to stop the pipe line work on the land of the petitioners as well as other villagers i.e. situated in Thana no.- 381, Block- Kanti, village- Panapur haweli, District- Muzaffarpur without acquiring the land of the villagers under land acquisition act and also to direct the respondents to pay admissible compensation to the petitioners as well as other villagers as per land acquisition act with current marked rate or leave the land of the petitioners without further delay.
- (ii) For issuance of an appropriate writ in the nature of Mandamus, commanding and directing the respondents firstly to publish gazette notification for acquiring the land of the petitioners for construction of gas pipe line through the land of the petitioners as well as other villagers and also fix grade/ nature of the land i.e. either residential or developed or developing or under developed land and thereafter pay compensation as per of the land as per law.



- (iii) For issuance of an appropriate writ in the nature of Mandamus, commanding and directing the respondents not to do further construction work on the land till legal process completed and compensation of land is being paid to the land holder as well as the petitioners and also direct the respondents to pay compensation to the petitioners as per marked value for land.
- (iv) For issuance of any other writ/writs /order/orders /direction / directions for which the writ petitioners are legally found entitled on behalf of his community and poor villagers under the facts and circumstances of the case.

After the matter was heard for some time, finding the Court not to be in favour with the submissions made across the Bar, learned counsel for the petitioners, under instructions, states that the petitioners shall be content if the petitioners are permitted to withdraw the present petition reserving liberty to initiate appropriate proceedings before the appropriate forum and/or take recourse to such other alternative remedies, equally efficacious in law.

Permission granted.

We are sure that as and when any such proceedings are initiated, the same shall be considered and decided in accordance with law.



Needless to add, the authorities/adjudicative body shall pass a reasoned order in accordance with law.

It is made clear that we have not expressed any opinion on merits. All issues are left open.

The petition stands disposed of as withdrawn with the liberty aforesaid.

Interlocutory Application(s), if any, shall stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	30.06.2022
Transmission Date	

