

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1665 of 2018

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1. Suresh Ray and Anr Son of Late Rambirksh Ray, resident of Village- Near Braham- asthan, Khabra, Khabra urf Kiratpur Gurdas, P.S.- Sadar, District- Muzaffarpur.
 2. Jitendra Kumar, son of Late Raghu Nath Rai, resident of Village- Near Braham- asthan, Khabra, Khabra urf Kiratpur Gurdas, P.S.- Sadar, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State Of Bihar through secretary electricity department, Govt. of Bihar, Patna.
2. The District Magistrate cum Collector, Muzaffarpur.
3. The Deputy Collector cum Land Acquisition officer, Muzaffarpur.
4. The Circle Officer, Mushahari, District- Muzaffarpur.
5. The Chief Managing Director, Bihar Rajya Vidhut Board, Vidhut Bhawan, Patna.
6. Managing Director, Electricity Distribution, Bhagwanpur, Muzaffarpur.
7. The DGM, E.S.E. TESA, Bhagwanpur, Rewa Road, Muzaffarpur.
8. The E.S.E. Electricity Supply circle, Gannipur, Muzaffarpur.
9. The Chief Engineer, Civil Vidhut Bhawan, Patna. null null
10. The Executive Engineer, North Bihar Power Distribution Unit, Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Yugal Kishore
For the Respondent/s	:	Mr.Suresh Kumar, AC to GP-1
For the N.B.P.D.C.	:	Mr.Vinay Kirti Singh, Adv.
		Mr.Vijay Kumar Verma, Adv.
		Mr.Akhileshwar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 10-10-2022 The present writ petition has been filed seeking the following Reliefs:-

“(1) That this is an application for issuance of writ of Mandamus or an appropriate writ for commanding and directing the respondents to stop



making encroachment over the land of the petitioners and also to stop constructing boundary wall over the land bearing Khata No. 83, Khesra No. 1099, area 8- ½ Katthan, which is land of the petitioners as well as his brother and the petitioner and his other brother are still doing cultivation over the land above mentioned and have brother are still doing cultivation over the land above mentioned and have their sitting place i.e. Baithki and also use to pay rent to government of Bihar and rent receipt is issuing in name of the Rambriksha Rai father of petitioner no.1 and Raghunath Rai, father of petitioner no.2 and without any process under law acquisition Act, the respondents have issued tender for construction of boundary wall over land of the electricity board including the land of the petitioners and others and contractor is creating un-necessary pressure upon the petitioners and his other brother to vacate the land in question and the contractor has also made measurement of the land in question and also dig ground for making boundary wall over the exclusive land of the petitioners and his brothers and/ or for direction of any other writ/ writs, order/ orders, direction/ directions, for which the writ petitioners are legally found entitled in the light of facts and circumstances of the case.”

It is the stand of the respondent State that the



aforesaid land recorded in the name of the deceased father of the petitioners was acquired in the year 1976-77 vide Land Acquisition case no. 4 of 1976-77 and the land of the father of the petitioners appertaining to Khata No. 500 and 295, Khesra No. 1124, 1098 and 1099 situated at village- Majhaul-Khabra urf Kiratpur was acquired for construction of residential quarters of the Tirhut Area Board, Muzaffarpur.

It has been further stated by the learned counsel appearing for the respondents that the compensation amount in lieu of acquisition of Khesra No. 1124 and 1098 has already been paid to the deceased father of the petitioners and to the said effect, proof thereof has been annexed with the counter affidavit filed by the Respondent State, however, as far as Khesra No. 1099 is concerned, it is submitted that the payment could not be made since nobody had approached the Land Acquisition Officer, Muzaffarpur for receipt of the compensation amount, however, it is submitted that in case the petitioners approach the Land Acquisition Officer, Muzaffarpur, necessary action will be taken forthwith.

In order to curtail the misery of the petitioners, I deem it fit and proper to grant liberty to the petitioners to approach the District Magistrate, Muzaffarpur and in case appropriate



representation is filed within a period of four weeks from today, the District Magistrate, Muzaffarpur shall ensure payment of necessary compensation amount qua the aforesaid khesra No. 1099, in accordance with law, within a period of four weeks, thereafter.

The writ petition stands disposed of on the aforesaid terms.

(Mohit Kumar Shah, J)

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