

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3202 of 2018

1. Ranjit Kumar, S/o Late Surya Nand Prasad
2. Jagat Prasad, S/o Late Dwarika Rai @ Dwarika Prasad
3. Mahendra Prasad, S/o Late Dwarika Rai @ Dwarika Prasad
4. Sita Sharan Singh, S/o Late Dwarika Rai @ Dwarika Prasad, All R/o Village - Gonawa, P.O. - Sadisopur, P.S. - Naubatpur, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Patna.
3. The Additional Land Acquisition Officer, Patna.
4. Sub-Divisional Officer, Danapur, Patna.
5. Anchal Adhikari, Naubatpur, Patna.
6. The Divisional Commissioner, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Mahendra Prasad, Advocate Mr. Jitendra Kumar Singh, Advocate Mr. Ramchandra Singh, Advocate Mr. Shankar Kumar, Advocate
For the Respondent/s	:	Mr. Md.Khurshid Alam, AAG-12

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

6 03-04-2023 Heard learned counsel for the petitioners and learned
counsel for the respondents.

The petitioners have filed the instant application for
the following relief(s):

*“I. This Hon'ble High Court may be pleased to
direct the respondents- authority to pay
compensation amount immediately to the petitioners
in lieu of land measuring nine and half dismal (9 ½
dismal) land bearing Plot no. 65 under Khata no.
656 of Mauza - Gonawa, P.S.- Naubatpur, District -*



Patna which was acquired by the State Government, for construction of High way Road from Bihta to Sarmera (State High Way no.-78).

II. For any other relief/reliefs may be allowed for which the petitioners are duly entitled in accordance with law.”

As prayed by learned counsel for the petitioners, the Divisional Commissioner, Patna is added as party respondent no.6 in the instant application.

Office to make necessary corrections in the physical as also in the electronic file of the main writ application.

A counter affidavit has been filed on behalf of respondent nos.1 to 3 wherein, in paragraph no.7 thereof, it has been stated as follows:

“7. That it is further submitted that the land of Plot No. 65 area 0.095 acre is also under the alignment. The said land area 1.26 acre is mentioned as Gair Majarua land in Khatiyar, therefore, the D.C.L.R. Danapur initiated proceeding for declaration of raiyati\government land vide Bakast- Raiyati Land Case No. 16\15-16. After hearing the parties and of perusal of the report of the Circle, Naubatpur, the claim to declare the land as Raiyati is rejected vide order dated 17.12.2015.”

A copy of the order dated 17.12.2015 passed in Bakast- Raiyati Land Case no.16/15-16 has been brought on



record as Annexure-B to the counter affidavit. It further transpires from the supplementary affidavit filed on behalf of the petitioners that the petitioners have preferred a Land Dispute Appeal no.60 of 2019 against the order as contained in Annexure-B to the counter affidavit referred to herein above and the said appeal is pending in the Court of Divisional Commissioner, Patna.

Having heard learned counsel for the parties and taking into consideration the averments made in the affidavits as referred to herein above, Land Dispute Appeal no.60 of 2019 being pending before the learned Divisional Commissioner, Patna, the instant writ application is disposed of directing the learned Divisional Commissioner, Patna to expeditiously dispose of the said appeal at the earliest preferably within a period of six months from the date of communication of this order.

This application stands disposed of.

(Partha Sarthy, J)

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