

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2987 of 2018

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Ramshankar Prasad, Son of Late Kamleshwari Bhagat, Resident of Village-
Rasaok, Ward no-21, Police Station Morkahi, District-Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Department of Revenue, Patna.
2. The Principal Secretary, Department of Revenue, Government of Bihar, Patna.
3. The Collector Cum District Magistrate, Khagaria.
4. The Sub-Divisional Magistrate, Khagaria.
5. The Circle Officer, Khagaria.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Umesh Pd. Singh, Advocate Mr. Sunil Kumar, Advocate
For the Respondent/s	:	Mr. Raj Kishore Roy, G.P-18 Mr. Navnit Kumar, A.C to G.P-18

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 06-04-2023 Heard learned counsel for the petitioner and learned
counsel for the respondents.

The petitioner has filed the instant writ application for
the following relief(s):-

*“1. That this application is being filed for
issuance of a writ in the nature of Mandamus
directing and commanding the respondent authority
to vacate the ancestral land of petitioner illegally
occupied by the unauthorized persons [member of
communist party, Naxalite] and for further direction
to respondent authority no. 3 to 5 to not issue the
settlement order in favour of unauthorized persons
[member of communist party, Naxalite] who illegally*



occupied the ancestral land of petitioner, description of land shown in paragraph-3 to this petition.

1.A. That also direct the respondents authority give security to save the life and property of petitioner and his family from the criminals specially members of communist party [Naxalite].

1.B. That the petitioner further prays for issuance of writ or writs, order or orders, direction or directions as this Hon'ble court may deem fit and proper in the facts and circumstances of the case.”

Learned counsel for the petitioner submits that a supplementary affidavit on behalf of the petitioner has been filed online on 30.3.2023 and seeks permission to file a physical copy of the same in Court today.

Filing of the physical copy of the supplementary affidavit is accepted in Court and the same is taken on record.

From perusal of the contents of the supplementary affidavit filed on behalf of the petitioner, in paragraph no.2 thereof, the following submissions has been made which is quoted herein below:

“2. That as per information provided under right to information Act-2006 it appears that out of eight pieces of lands mentioned in para-3 of writ application six pieces of land except S. no. II & VIII, appears to have been acquired by the respondents state and amount of compuncession appears to have been disbursed in near future and



the petitioner has been directed to provide no objection certificate vide letter no.210 dated 18.10.2022”

Learned counsel for the petitioner further submits that the said statement has been made on account of the information received on an application under the Right to Information Act filed by the son of the petitioner, a copy of which is Annexure-5 to the said supplementary affidavit. It is also submitted by learned counsel that there is some typographical error in description of the land in question in paragraph no.3 of the writ application. The Court not having gone into the merit of the case of the petitioner, the petitioner will always have the opportunity to make corrections at the appropriate stage.

Learned counsel for the State opposes the prayer made in the writ application and submits that a counter affidavit has already been filed on behalf of respondent nos.3 to 5.

In light of the above, learned counsel for the petitioner seeks permission to withdraw this application to file an appropriate representation/petition before the authorities praying therein for payment of compensation etc..

The application is disposed of as withdrawn with the aforesaid liberty.

In case any representation/petition is filed by the



petitioner for payment of compensation for the land acquired,
the authority concerned will proceed in accordance with law and
decide the said representation/petition at the earliest and any
compensation found payable shall also be paid to the petitioner.

(Partha Sarthy, J)

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