

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6925 of 2021

=====

Ramkali Devi Wife of Late Sita Ram Mahto Resident of Govind Mitra Road,
Beni Madhav Lane, P.O. - Bankipur, P.S. - Pirbahore, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar Represented through Chief Secretary, Govt. of Bihar, Old Secretariat Building, Patna
2. District Land Acquisition Officer, Department of Land Acquisition, Govt. of Bihar, Patna - 1
3. Addl. District Land Acquisition Officer, Department of Land Acquisition, Govt. of Bihar, Patna - 800001
4. Collector, Patna, District Land Acquisition Branch, Patna
5. Housing Board Represented through Chairman-cum-Managing Director, Housing Board, Patna - 800003
6. Chairman-cum-Managing Director, Bihar Housing Board, Patna - 800003
7. Executive Engineer Bihar State Housing Board, Bihar Parmandal, Patna - 800003

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Kumari Chandna, Adv.
For the Housing Board	:	Mr. Jitendra Kumar Rai, Adv.
For the State	:	Mr. Raj Kishore Ray, Gp-18

=====

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 23-06-2023

Heard learned counsel for the petitioner, learned
counsel for the Housing Board and learned counsel for the State.

The present writ application has been filed seeking
relief for removal of the Bihar State Housing Board from the
purchased land of the petitioner viz Thana No. 10, Tauzi No.
Sameelet, Khata No. 165, Survey Plot No. 446, Area 27½
decimals, Jamabandi No. 568, situated at Mauza Bahadurpur,
A/P, P.S.- Agamkuan, District- Patna. In alternative, the

petitioner has prayed to provide appropriate compensation/ award of the same land to the petitioner which has been alleged to be acquired under the Land Acquisition Department in the year 2019.

Learned counsel for the petitioner submits that petitioner is the *bona fide* purchaser of the land in question, from the real land owner through registered Sale Deed No. 1233 dated 14.02.1969 and since then she is coming in the position of the said land.

Learned counsel for the petitioner submits that the petitioner has got her land mutated in her name and was paying the revenue to the Government regularly. The copy of the sale deed for the year 1969 and *Malguzari* receipt of the year 1976-77 has been attached. Counsel further submits that under the Right to Information Act, the petitioner got information on her application dated 23.11.2019 that her land was acquired by the Bihar State Housing Board and award amount has also been paid to her.

In this regard, the petitioner has filed a representation to the District Land Acquisition Officer Department of Land Acquisition, Government of Bihar, (respondent no. 2) Patna-1 and thereafter, filed this writ petition.

During pendency of the writ petition, counter

affidavit has been filed by the Bihar State Housing Board in this matter and the Housing Board has made categorical stand that the above said land has been acquired through P.L.A. No. 4 / 75-76-4 and L.A. No. 52 / 73-74. The copy of notification of acquisitions have been annexed.

Learned counsel for the State also submits that the register where the name of petitioner being awardee has been mentioned and in the receiving column, receiving of Rs.3,600/- and Rs.4,000/- on two different dates had also been mentioned. Counsel further submits that in Bahadurpur, Patna the Housing Board has made the entire payment towards compensation, which is annexed as Annexure-R/5 with regard to the petitioner's acquired land.

Learned counsel for the Housing Board has attached receiving register as Annexure-R/4, where the name of the petitioner had figured at Serial No. 446.

Learned counsel for the petitioner in response thereof submits that the petitioner is an illiterate lady. In register, there is no finger print, nor proof has been provided by the Housing Board that payment has been made through cheque.

This Court upon hearing the parties and going through the records, not inclined to interfere in this matter after

a gap of 50 years in writ petition, particularly, when there is a strong dispute of facts and as such, this writ petition is dismissed.

But liberty is hereby granted to the petitioner that she may take appropriate remedy before appropriate forum, if law permits.

With this observation, the present writ petition stands dismissed.

(Dr. Anshuman, J.)

sadique/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	