

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3455 of 2020

Hirendra Prasad Singh Son of late Vindeshwari Prasad Singh, Resident of
Village- Rampur Sindai, Police Station- Barbigha, District- Sheikhpura.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt of Bihar, Patna.
2. The District Magistrate, Sheikhpura.
3. The District Development Commissioner, Sheikhpura.
4. The Circle Officer, Barbigha, Sheikhpura.
5. The District Land Acquisition Officer, Sheikhpura.
6. The Principal Secretary, Revenue and Land Reforms Department, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Parashuram Singh

For the Respondent/s : Mr.Raj Kishore Roy (Gp18)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

- 2 09-10-2023 Heard learned counsel for the petitioner and the State.
2. Present writ petition has been filed for a direction to the respondent authorities to pay the petitioner compensation of his acquired land over which Samudayik Bhawan has been constructed by the respondents.
3. Learned counsel for the petitioner submits that the petitioner is owner of 8 decimal land which was acquired by the respondents for constructing Samudayik Bhawan over the same. Petitioner is also paying rent for the said land vide rent receipt contained in annexure 1.
4. Learned counsel appearing for the State has filed counter affidavit stating therein that the land claimed by the petitioner is in fact Government land, and as such, there is no question of its acquisition, prior notice to the petitioner and payment of compensation. Furthermore, rent receipt (annexure 1 to the writ petition) does not provide any proof of ownership of the petitioner. Jamabandi No.1433 (annexure 2 to the writ petition) also does not prove the inclusion of the aforesaid land.



It is also stated that the petitioner has not produced any document for justifying the fact that the aforesaid land was settled by zamindar to his ancestor. In view of circular no. 914A/Rev. Dated 9.12.1998 of the Land Reform Department, Government of Bihar, Zamindar has no power to settle a Gair Mazarua Aaam land.

5. The question as to whether land in question is a raiyati land of the petitioner or Government land, is a question of fact and there is great deal of dispute on that question which would require detailed examination of evidence. The same cannot be decided by a writ and proceeding under Article 226 of the Constitution of India would not be appropriate for the decision of the question.

6. Writ petition is accordingly disposed of with liberty to the petitioner to file proper suit before the civil court of competent jurisdiction.

(Prabhat Kumar Singh, J)

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