

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3680 of 2023

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Md. Ayub @ Mohammad Ayub Son of Mohammad Jamaluddin Ansari,
Resident of Village- Sikta, Near Sikta High School Police Station- Sikta,
District- West Champaran (Bettiah).

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Revenue and Land Reforms Department, Patna, Bihar.
2. The District Magistrate, West Champaran, Bettiah.
3. The District Land Acquisition Officer, Narkatiaganj, West Champaran, Bettiah.
4. The Circle Officer, Anchal- Sikta, District- West Champaran, (Bettiah).

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Mazharul Hassan, Advocate
For the State : Mr.Ebadur Rahman Shakeb, AC to AAG-12

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 28-04-2023 At the outset, the learned counsel for the respondent-

State seeks to file a counter affidavit, which is taken on record.

The present writ petition has been filed seeking the
following relief:-

*"That this writ application is being filed for
issuance of an appropriate writ/writs, order/
orders, direction/ directions commanding the
Respondents for setting aside the order dated
07.02.2023 (Prapatra-02) passed in Bihar Public
Land Encroachment Act, 1956 under Section 6(2)
passed by Circle Officer, Sikta, District- West
Champaran, Bettiah where under the Respondents
given explanation on 01.02.2023 but Respondent*



No. 4 not consider the explanation of the petitioner and passed the order dated 07.02.2023 for vacation of Khata No. 119, Khesra No. 69 the said land which was purchased land of the petitioner on 26.06.2008 and since then petitioner living there by construction of residential house. The Respondent are acquire the said land for construction of Bharat Nepal Sarak Pariyojna. The Panchayat was fixed in favour of the petitioner as Amount Rs.73,30,103.00. But the said amount is not paid to the petitioner and passed the order of demolition."

It has been pointed out that not only a partition suit bearing Partition Suit No.499 of 2013 is pending before the learned Court of Sub-Judge-III, West Champaran at Bettiah but the State Bank of India, Sikta Branch has also approached the District Land Acquisition Officer, West Champaran at Bettiah and has claimed that since the petitioner has taken home loan from the bank, while mortgaging the land in question, the compensation amount be paid to the Bank, thus in such view of the matter, compensation amount has not been awarded to the petitioner, although it is admitted that the land in question has stood acquired.

Having regard to the facts and circumstances of the case, this Court directs the District Land Acquisition Officer, West Champaran at Bettiah to decide the issue in question and



in case there is no stay/interim order in the ongoing partition suit, as aforesaid, it shall pass appropriate orders and pay compensation to the petitioner, in accordance with law, after appropriating the amount due to the State Bank of India, Sikta Branch. The said exercise is directed to be concluded, within a period of six weeks of receipt/production of a copy of this order. It may be noted that the learned counsel for the petitioner has no objection to the aforesaid directions being issued by this Court.

It is needless to state that for a period of six weeks from today, status quo, existing as on today qua the land/house of the petitioner in question, shall be maintained.

The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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