

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4917 of 2023

1. Baijnath Das Son of Late vasudev Das, Resident of Village- Kewatgama, P.S.- Kusheshwar Asthan, District- Darbhanga.
2. Md Izharul Haque Son of Late Md Kudavaksh, Resident of Village- Rampur Rout, Ward No. 7, P.S.- Kusheshwar Asthan, District- Darbhanga.
3. Okil Paswan Son of Late Parmeshwar Paswan, Resident of Village- Rampur Rout, Tola- Makhnahi, P.S.- Kusheshwar Asthan, District- Darbhanga.
4. Md Sultan Son of Late Md Umad, Resident of Village- Rampur Rout, Tola- Makhnahi, P.S.- Kusheshwar Asthan, District- Darbhanga.
5. Md. Kalamuddin Son of Late Md Umad, Resident of Village- Rampur Rout, Tola- Makhnahi, P.S.- Kusheshwar Asthan, District- Darbhanga.
6. Mohammad Ainul Son of Late Mohammad Khudabax, Resident of Village- Rampur Rout, Tola- Makhnahi, P.S.- Kusheshwar Asthan, District- Darbhanga.
7. Mantun Devi Wife of Late Sukhdev Das, Resident of Kusheshwar Asthan, P.S.- Kusheshwar Asthan, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Road Construction Department, Government of Bihar, Patna.
2. The Additional Chief Secretary, Road Construction Department, Government of Bihar, Patna.
3. The Chairman, Bihar Rajya Pul Nirman Nigam Ltd, Sardar Patel Marg, Veerchand Patel Road Area, Patna.
4. The Managing Director, Bihar Rajya Pul Nirman Nigam Ltd, Sardar Patel marg, Veerchand Patel Road Area, Patna.
5. The District Magistrate, Darbhanga.
6. The District land Acquisition Officer, Darbhanga.
7. The Circle Officer, Kusheshwar Asthan, District- Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Pushkar Narain Shahi, Sr. Adv.
	:	Mr. Shivam, Adv.
For the Respondent/s	:	Mr. Manoj Kr. Ambastha, SC-26
	:	Mr. Santosh Kr. Mishra, AC to SC-26
For the Resp. 3 and 4	:	Mr. Ranjan Kr. Srivastava, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 19-09-2023

Counsel for the Petitioners, counsel for the Respondent No. 3 and 4 and counsel for the State are present.

2. The present writ petition has been filed for directing the respondent to pay the compensation amount to the petitioners for their land acquired for construction of RCC bridge and approach road going from Kusheshwar Asthan to Dhobaliya.

3. Counsel for the petitioners submits that the petitioners purchased different areas of land situated at the Rampur Rout Mauza under Thana No.250 in the District of Darbhanga having Khesra No.1006 (Old), 3419 (New), Khata No.32 & 321 (Old), 1331 (New), which was of a total area of 1 Acre and 36 Decimal.

4. Counsel for the petitioners submits that upon getting information that Government has acquired land of the petitioners, they filed representations before the Collector, Darbhanga claiming their Title of the land but on their representations no decision has been taken till date and their representations are still pending before the District Magistrate, Darbhanga. The copy of representations dated 02.12.2022 has been annexed in Annexure 13 series (From page no.64 to page

no.95).

5. Counsel for the State submits that the said land does not belong to the petitioners, rather, it is Government's land.

6. Counsel for *Pul Nirman Nigam Limited* submits that upon providing the land by the Government, the *Pul Nirman Nigam Limited* constructed RCC bridge and approach road and there is no direct link between the *Pul Nirman Nigam Limited* and the petitioners.

7. In this background, as the representations of the petitioners are still pending before the Collector, Darbhanga, this writ petition is disposed of with the direction to the Collector, Darbhanga to pass a reasoned and speaking order on the said representations, within 3 months from the date of production of the order.

8. If it would be decided by the Collector, Darbhanga that the said land in question belongs to the Government then the petitioners should be at liberty to move further but if it would be decided that the said land belong to the petitioners and *Raiyati* right has been vested in them in that case the State through Land Acquisition Officer, Darbhanga is directed to pay compensation in this regard within 6 months

thereafter.

9. With the aforesaid direction, this writ petition is
hereby disposed off.

(Dr. Anshuman, J.)

Ashishsingh/-

AFR/NAFR	NAFR
CAV DATE	22.09.2023
Uploading Date	NA
Transmission Date	NA