

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4944 of 2023

1. Kulanand Yadav Son of Mahanthi Yadav, Resident of Village- Koriyapatti, P.S.- Jadiya, District- Supaul.
2. Anmol Yadav Son of Bhinku Yadav, Resident of Village- Babhangama Tola Lalpatti, P.S.- Triveniganj, District- Supaul.
3. Jagdeo Yadav @ Yogendra Yadav @ Yogendra Kumar Yadav Son of Kailu Yadav, Resident of Village- Babhangama Tola Lalpatti, P.S.- Triveniganj, District- Supaul.
4. Brahmdev Yadav @ Brahmdev Prasad Yadav, Son of Kailu Yadav, Resident of Village- Babhangama Tola Lalpati, P.S.- Triveniganj, District- Supaul.
5. Ramdeo Yadav Son of Kailu Yadav, Resident of Village- Babhangama Tola Lalpati, P.S.- Triveniganj, District- Supaul.
6. Bindeshwari Prasad Yadav @ Bindeshwari Yadav Son of Bhinku Yadav, Resident of Village- Babhangama Tola Lalpati, P.S.- Triveniganj, District- Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
3. The Collector-cum-District Magistrate, Supaul.
4. The District Land Acquisition Officer, Supaul.
5. The Union of India, through Department of Railway.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Adv.
For the Respondent/s : Mr. Md. Khurshid Alam, AAG-12

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 19-09-2023

Counsel for the petitioners and counsel for the State
are present.

2. The present writ petition has been filed by the
petitioners to prepare the award after including the name of the
petitioners in compensation list in accordance with the Right of

Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 as petitioners' land situated at Mauza- Babhangama Tola Lalpatti Thana No.271 from Khata No.299 in different plots of District- Supaul, which has not been inserted in the said compensation list.

3. Counsel for the petitioners submits that the petitioners have filed representation to the District Magistrate, Supaul for compensation of acquired land for the Railway line project vide their representation dated 26.12.2022 but till date no action has been taken on the said representation.

4. Counsel for the State submits that he has received instructions and as per the instructions the land in question is in the nature of *Gair Mazurua* Land.

5. In the light of submissions made by the parties it transpires to this Court that time to time the Revenue and Land Reforms Department, Government of Bihar has issued circulars, in which even *Gair Mazurua Malik* or *Gair Mazurua khas* land may be declared as *Raiyati* land according to the said policy.

6. In this view of the matter, it is necessary that the District Magistrate, Supaul before whom petitioners have filed representation, may take a decision by way of passed a reasoned and speaking order in this regard within 3 months form the date

of production of this order by the petitioners before him.

7. Upon the finding in the light of the circular No.925(6) dated 11.11.2014 the District Magistrate, Supaul shall pass a reasoned and speaking order upon fixing a date granting the petitioners to present themselves with relevant documents and after hearing both the parties if it has been found by the District Magistrate, Supaul that the petitioners land come within category of *Raiyati* land then the process of acquisition and payment shall be made within 8 months thereafter. But in case it has been found that petitioners' land do not come within the category of *Raiyati* land then in that case the liberty given to the petitioner is to avail further remedy in accordance with law.

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

(Dr. Anshuman, J.)

Ashishsingh/-

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