

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7072 of 2016

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1. Surendra Rai, S/o Deo Narain Rai resident of Village- Panchrukha P.S.- Banjaria Distt- East Champaran.
 2. Md. Mainullah S/o Md. Safi, resident of Village- Chailaha, P.S.- Banjarai, Distt- East Champaran.
 3. Bachha Babu Singh, S/o Ramjas Singh resident of Village- Chailaha, P.S.- Banjarai, Distt- East Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The District Magistrate, East Champaran, Motihari.
3. The Land Acquisition Officer, Motihari.
4. The Circle Officer, Banjaria, Motihari
5. The Circle Inspector, Banjaria, Motihari
6. The Revenue Clerk, Banjaria, Motihari
7. Md. Abdul Basir resident of Village- Bishati Patti, P.S.- Motihari Town, Distt- East Champaran.

... .. Respondent/s

Appearance :

For the Petitioners	:	Mr. Pramod Kumar Pandey, Advocate
For the State	:	Mr. Mahtab Alam, AC to SC-20

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 15-12-2023

1. Heard learned counsels for the parties.

2. This writ application has been filed for issuance of a direction to the respondent-Authorities to pay compensation amount which is payable to the petitioners for the land acquired by the respondent-Authorities for the purpose of widening of NH-28A.

3. It is contended on behalf of the petitioners that their land pertaining to Khesra No. 848, Mauza- Chailaha, Thana No.



102, was acquired for the purpose of broadening the NH-28. On the application filed by the petitioners, Land Acquisition Officer, East Champaran, vide Memo No. 228 dated 11.04.2015 directed the Amin to measure the land of the petitioners. The Amin measured the land and also verified the land possession certificate and found ownership of the petitioners over the land in question and reported to the Land Acquisition Officer, Motihari, East Champaran, that as per the gazette report the acquired land is pertaining to Khesra No. 848, Area- 0.1200 hectare or 0.30 decimal. It was also reported that Khesra No. 848/1 of which the acquired land of 0.625 hectare runs under the ownership of the petitioners. It was further reported that the remaining land pertaining to Khesra No. 848/2, Area- 0.0947 hectare also is under the possession of these petitioners, which is the khatiyani land of the petitioners, which has been acquired for the purpose of widening of N.H. 28. It is submitted that in spite of repeated requests of the petitioners for payment of compensation, till date, petitioners have not been paid compensation. Aggrieved thereby, the instant writ application has been filed.

4. A counter-affidavit has been filed on behalf of Respondent Nos. 3 to 6. It is stated therein that due to mistake



some unauthorized persons have received compensation with respect to the land pertaining to Plot No. 848, Area- .1200 hectares, situated at Mauza- Chailaha, and the same compensation has not been received by the original land holders, i.e. the petitioners.

5. It is not in dispute that the petitioners are the owners of land pertaining to Khesra No. 848, Mauza- Chailaha, Thana No. 102, Area- 0.1200 hectare. It is also not in dispute that the land of the petitioners has been acquired by the respondent-Authorities for the purposes of broadening of N.H. 28.

6. In the aforesaid facts and circumstances, the petitioners are directed to file an application before the Land Acquisition Officer, Motihari (Respondent No. 3), communicating all the documents in support of their claim, within a period of six weeks from today.

7. In the event the petitioners file their application within the stipulated time, the Land Acquisition Officer, Motihari (Respondent No. 3) shall dispose of the same, in accordance with law, after hearing the parties, within a period of six months from the date of filing of the application. And if the compensation is found due, the same shall be paid to the



petitioners within a further period of six months from the date of disposal of their application.

8. With the aforesaid directions, this writ application stands disposed of.

(Prabhat Kumar Singh, J)

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