

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16520 of 2015

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Rajendra Safi Son of Laxmi Safi, Resident of Majhari, P.O. Hariyahi, P.S. and
Anchal- Nirmali, District- Supaul.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Collector-cum-District Settlement Officer, Supaul.
3. The District Land Acquisition Officer, Supaul.
4. The Revenue Officer, Supaul.
5. The Circle Officer, Nirmali, District- Supaul.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shiv Sager Sharma, Adv.

For the Respondent/s : Mr. Prabhat Ranjan, (AC to GP-6)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 28-08-2023

Heard learned counsel for the petitioner and
learned counsel for the State.

2. The present writ application has been filed
directing the respondent authority who acquired the lands for
S.S.B. Camp to pay the cost of acquired land which have been
distributed among the other landlords of the same *Mauza*, as
well as to pay interest and litigation cost.

3. Learned counsel for the petitioner submits that
the land situated in Mauza Asanpur- Kupaha, Revenue P.S. No.
93, Anchal- Kishanpur, District- Supaul bearing Khata No. New
346/ Old 30, Khesra No. 131, Area 01.00 decimal Khesra No.
177, East- 82, Area 60 decimal, total Area 01.15 decimal is the
ancestral property of the petitioner, which is in physical
possession since then. Counsel submits that according to the

decision made by the Revenue Officer, Supaul, Khesra No. 109 and 110 old 55 Area 0.39 decimal and 0.18 decimal is mutated in the name of petitioner and he has got possession over the land and his name has entered in the Collectorate *Khatiyan*.

4. Learned counsel for the petitioner further submits that vide order dated 25.09.2007 in Case/ Suit No. 10488 of 1985, a decree was made in favour of the petitioner and as such, the land which is subject matter of acquisition for the Camp of S.S.B., therefore, the petitioner become entitle for the compensation of the said land.

5. Learned counsel for the State submits that it is true that vide order dated 25.09.2007, Case/ Suit No. 10488 of 1985 was decided in favour of the petitioner but the said order passed under Section 106 of the Bihar Tenancy Act, 1885 [Act VIII of 1885] (hereinafter referred to as 'the Act of 1885') bearing Case/ Suit No. 10488 of 1985 had challenged before the District Settlement Officer-cum-Collector, Supaul in Revision Case No. 02 of 2013 and vide order dated 25.03.2013, the said order dated 25.09.2007 passed in Case/ Suit No. 10488 of 1985 was set aside.

6. Learned counsel for the State further submits that in Annexure- 4 *i.e.* information demanded by the petitioner

under the Right to Information Act, 2005 does not contain the name of the petitioner, as such, he is not entitled for any relief(s) as prayed in the writ petition.

7. Upon going through the argument, as well as the documents available on record, the only point on the basis of which the petitioner is relying the order dated 25.09.2007 passed in Case/ Suit No. 10488 of 1985 under Section 106 of the Act of 1885.

8. From the counter-affidavit, Annexure- B, it transpires to this Court that the said order which is the basis of the petitioner's case has been set aside vide order dated 25.03.2013 by which the order dated 25.09.2007 passed in Case/ Suit No. 10488 of 1985 under Section 106 of the Act of 1885 has been set aside. In this background, it transpires to this Court that the petitioner has no case.

9. Accordingly, the present writ application stands dismissed.

(Dr. Anshuman, J.)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.09.2023
Transmission Date	NA