

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7429 of 2023

1. Bharat Bhushan Singh @ Bharat Bhushan Son of Late Lakshmeshwar Singh, Resident of Village- Sinuwara, Ward No. 3, Police Station- Bahadurpur, District- Darbhanga.
2. Krishna Kumar Singh Son of Late Sacchidanand Singh, Resident of Village- Sinuwara, Police Station- Bahadurpur, District- Darbhanga, presently residing at M-16, Housing Colony, Laheria Sarai, Kherajupr, P.S.- Laheria Sarai, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar Principal Secretary Land Reforms and Revenue Department, Government of Bihar, Patna.
2. The Secretary, Land Reforms and Revenue Department, Government of Bihar, Patna.
3. The Divisional Commissioner, Darbhanga.
4. The District Magistrate, Darbhanga.
5. The Land Acquisition Officer, Darbhanga.
6. The Executive Engineer, Bihar Building Construction Department, Darbhanga.
7. The Sub-Divisional Officer, Darbhanga Sadar, Darbhanga.
8. The Circle Officer, Hanuman Nagar, District- Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Jha, Advocate
For the Respondent/s : Mr. Raj Kishore Roy, GP-18

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 05-07-2023

Learned counsel for the petitioners and learned
counsel for the State are present.

2. The present writ petition has been filed for
commanding and directing the respondents to not construct
Flood Shelter Home over the raiyati lands of the petitioners
situated under Anchal-Hanuman Nagar in Mauja Kolwara,

Thana No. 204, Old Khata No.51, 52, Old Khesra No. 6, 7, New Khata No. 132, New Khesra No. 25 upon which respondent no.8 forcibly constructing Flood Shelter Home with the help of anti social person situated in district Darbhanga.

3. Learned counsel for the petitioners submits that for the purpose of construction of Flood Shelter Home, another land was allotted which is clear from Annexure-5 but reasons best known to be respondent no.8, Circle Officer, Hanuman Nagar, Darbhanga without following any legal procedure, he has started construction work after taking forceful possession of the land of the petitioners. In this matter petitioners have filed representation before the District Magistrate, Darbhanga but no action has been taken.

4. Learned counsel for the State submits that a direction may be given to the District Magistrate-cum-Collector, Darbhanga (Respondent no.4) in this matter.

5. This Court is taking serious view that without following any process or without any intimation or consent, the State authority shall not take land of anyone, particularly when there is already procedure laid down for taking land of any person, if necessary, for the public purposes i.e. following the RFCTLARRA, 2013.

6. There is provision of acquisition of land under emergent situation also.

7. In this view of the matter, this Court hope that the District Magistrate, Darbhanga shall take action completely in accordance with law and he is directed to pass a reasoned order on the representation filed by the petitioners.

8. Petitioners are directed to file afresh representation alongwith copy of the this order within four weeks from today before the District Magistrate, Darbhanga and he shall pass a reasoned order considering the law laid down for the land dispute and disposed of their representation with speaking order within six weeks further.

9. In the meantime, respondent no.8 is directed not to take any coercive step over the land of the petitioners.

10. With the aforesaid direction, the present writ petition is disposed off.

(Dr. Anshuman, J.)

ravishankar/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	