

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1604 of 2018

1. Samir Chandra Suman S/o Sri Harendra Prasad resident of House No. C/60, Ward 28, Near MGM High School, Gayatri Nagar, Shankar Nagar, Raipur, Chattisgarh - 492004.
2. Saroj Devi W/o Sri Harendra Prasad resident of House No. C/60, Ward 28, Near MGM High School, Gayatri Nagar, Shankar Nagar, Raipur, Chattisgarh - 492004.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Road Construction Department, Govt. of Bihar.
3. The Secretary, Rural Works Department, Govt. of Bihar.
4. The District Magistrate-cum-Collector, East Champaran, Bihar.
5. The Circle Officer, East Champaran, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Shakib Ayaz, Adv.
For the Respondent/s : Mr. Sushil Kumar, GP-22.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 06-07-2023

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

2. The present writ petition has been filed seeking direction to the respondents authority to provide adequate compensation to the petitioners in lieu of illegal acquisition of their 2.5 Katthas of land situated in Khata No.219, Khesra No.1362 in the Village Phenhara, East Champaran upon which the State Government has constructed a public road.

3. Learned counsel for the petitioners submits that



the land of petitioners has been taken by the Government on which the Government had constructed a public road for the use of villagers. He further submits that he has filed a Nazri Naksha prepared by Amin by which he is showing that the land of petitioners has been taken for the purpose of construction of the road. He also submits that a representation has also been filed which is annexed as Annexure-P/3 before the District Magistrate-cum-Collector, East Champaran but no action has been taken towards demand of compensation.

4. Learned counsel for the State submits that counter affidavit has been filed in this case. He further submits that in the light of representation of petitioners, five members committee was constituted to enquire into this matter. The said five members committee had submitted a report and according to the said report the said land had been in use as public *rasta* about last 50 years. The total land belongs to about 50 *Raiyats* and the said road was constructed with the full consent of the owners of *Raiyat*. Learned counsel for the State further submits that petitioners are claiming owners of the said land by virtue of a registered deed taken from his mother. It has also come in the report that petitioners have purchased the said land from her mother only with a view to claim compensation. It has also



come in the said report by the full brother of petitioner no.1 that the said road is workable since long and he has filed an affidavit stating that claim of petitioners is not correct because the land belongs to the joint family and his father has given consent alongwith other *Raiyats* for construction of road and he has no objection in existence of the road on the said land. Learned counsel also submits that on the said land there is a title suit pending between the petitioners and their brother which is Partition Suit No.186 of 2021.

5. In this background, it is not clear that who is the actual owner of the land. Due to the reason that it is not the petitioners' land rather it is the ancestral land of the petitioners' family and from the report of five member committee as well as the affidavit filed by the brother of petitioner no.1, it transpires that father of petitioner no.1 himself has provided land for construction of road alongwith other 50 *Raiyats*. When the land in question is the subject matter of Partition Suit No.186 of 2021, this Court is not inclined to interfere in this matter, therefore, the present Writ Petition stands dismissed.

6. Liberty is hereby granted to the petitioners that upon acquiring the finality of the decision taken in Partition Suit No.186 of 2021, petitioners shall be at liberty to represent



themselves before the authority concerned.

(Dr. Anshuman, J.)

Ritik/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12/07/2023
Transmission Date	NA

