

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16871 of 2021

1. Kanchan Devi wife of Sri Vinod Kumar Resident of Village- Puraini, P.S.- Sri Nagar, District- Madhepura.
2. Suneeta Devi wife of Shambhu Kumar Yadav Resident of Village- Madhaili Bazar, P.S.- Shankarpur, District- Madhepura.
3. Ruby Kumari wife of Kamaleshwari Yadav Resident of Village- Raibhir, P.S.- Shankarpur, District- Madhepura.
4. Nilu Kumari wife of Dilip Kumar Resident of Village- Jogbani, P.S.- Gamharia, District- Madhepura.
5. Sanjiv Kumar Yadav @ Sanjeev Kumar son of Ramji Prasad Yadav Resident of Village- Maheshua, P.S. and District- Madhepura.
6. Suneeta Devi wife of Anil Yadav Resident of Village- Jirwa Tola, Hilorwa, P.S.- Shankarpur, District- Madhepura.
7. Anumala Devi wife of Sri Bhola Yadav Resident of Village- Jirwa Tola, Madhaili, P.S. and District- Madhepura.
8. Brajesh Kumar son of Balkrishna Yadav Resident of Village- Bhaluaha, Ward No.- 10, P.S.- Singheshwar, District- Madhepura.
9. Sanjan Kumari wife of Manoj Kumar Resident of Village- Hanuman Nagar Chaura, P.S. and District- Madhepura.
10. Ranjit Kumar son of Gajendra Yadav Resident of Village- Jhikatiya, P.S.- Ghailadh, District- Madhepura.
11. Arjun Yadav son of Kamleshwari Yadav Resident of Village- Shiv Nagar, Jamuaha, P.S.- Kumar Khand, District- Madhepura.
12. Munmun Devi wife of Sri Rakesh Kumar Resident of Village- Shiv Nagar, Jamuara, P.S.- Kumarkhand, District- Madhepura.
13. Ratnesh Kumar son of Prithvi Lal Yadav Resident of Village- Jirwa Tola Maujama, P.S.- Shankarpur, District- Madhepura.
14. Kavita Kumari wife of Sri Awadhesh Kumar Resident of Village- Bhelwa, P.S. and District- Madhepura.
15. Sumeet Kumar Suman son of Ram Kumar Yadav Resident of Village- Ward No.- 11, Kariyat, P.S.- Sour Bazar, District- Saharsa.
16. Gulab Devi wife of Sri Mahendra Thakur Resident of Village- Ward No.- 2, Aratotha, Rajbhir, P.S.- Shankarpur, District- Madhepura.
17. Kari Devi wife of Sri Brahmdeo Sah Resident of Village- Raibhir Tola, Artaha, P.S.- Shankarpur, District- Madhepura.
18. Most. Pramila Devi wife of Late Mahendra Sah Resident of Village- Raibhir Tola, Artaha, P.S.- Shankarpur, District- Madhepura.
19. Ruby Devi wife of Sri Hari Narayan Yadav Resident of Village- Raibhir Tola, Artaha, P.S.- Shankarpur, District- Madhepura.
20. Pinki Kumari wife of Sri Umesh Kumar Resident of Village- Amaha, P.S. and District- Supaul.



21. Gunjan Devi wife of Mukesh Kumar Resident of Village- Chikani Tola,
Jogbani, P.S.- Gamhariya, District- Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary of the Revenue and Land Reforms Department, Government of Bihar, Patna.
2. The Principal Secretary of the Revenue and Land Reforms Department, Government of Bihar, Patna.
3. The District Magistrate, Madhepura.
4. The District Land Acquisition Officer, Madhepura.
5. The District Sub Registrar, Madhepura.
6. The Circle Officer, Madhepura, District- Madhepura.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Alok Kumar Singh, Advocate
For the State	:	Mr. Sajid Salim Khan, SC 25
For the NHAI	:	Mr. S. N. Pathak, Advocate
		Mr. Saurav Nikunj, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 18-12-2023 Heard learned counsel for the parties.

2. Present writ petition has been filed for the issuance of direction to the respondent authorities to exclude the land and buildings of the petitioners situated in Madhepura Town, Mauza- Madhepura, Circle- Town, Mauza- Madhepura, Ward No.- 1, Thana No.- 61 under Nagar Parishad Madhepura bearing Khesra Nos.- 754, 755, 713, 716 and 2554 and to stay the acquisition process of the lands and buildings of the petitioners during pendency of the writ petition.

3. Learned counsel for the petitioners contends that in the year 2011 a pronouncement was made for acquisition of



23.71 acres of land for construction of Police line under the District of Madhepura, Mauza- Madhepura, Ward No. -01, Thana No. 61, Circle- Madhepura. The said pronouncement was done by the Revenue and Land Reforms Department (Land Acquisition Directorate) Bihar, Patna. The land owners of Plot Nos. 754, 755, 713, 716 and 2554, Thana No. 61, Mauza- Madhepura, Ward No. 1, under Nagar Parishad, Madhepura intended to sell their lands as per decision of the District Administration, Madhepura and the Government for shifting of the Police Line under the Mauza Bhaudi, District- Madhepura. Petitioners and others purchased their land through registered sale deed which are also situated on the boundary of the lands being pronounced for the acquisition. After execution of the sale deed, the lands were mutated in their name and fresh Jamabandi was created and they also got their lands mutated from the Nagar Parishad, Madhepura. Thereafter, petitioners constructed their houses for their residential purpose. It is further submitted that none of the authorities either from the Registry Office, Madhepura or authorities of the Revenue Department or Nagar Parishad, Madhepura raised any objection till construction of the houses. Petitioners for the first time came to know about the acquisition when the District Land Acquisition Officer,



Madhepura *vide* its letter No. 64 dated 08.03.2021 addressed the Circle Officer, Madhepura directed not to mutate the lands of certain Khesra which were already acquired for the purpose of construction of Police Line on 01.09.2011. It is further submitted that on 10.07.2021 the Anchal Amin and other authorities of the District came on the proposed land and measured and demarcated the same. Petitioners have got no other piece of land or house except the one which is being acquired by the respondent authorities and as such, the action of the respondents is in violation of provisions of Article 14, 16 and 21 of the Constitution of India.

4. However, by filing counter affidavit, counsel for respondent Nos. 3 to 6 submits that the land acquisition of the land for construction of Police Line, Madhepura is in the light of requisition *vide* Letter No. 3588/G.S. dated 20.08.2008 of Superintendent of Police, Madhepura. The land acquisition process was initiated under Section 4 of the Land Acquisition Act, 1894 for acquisition of 23.71 acre land. For this, notification was published in the local newspapers on 08.09.2011 and after publication of the notification, declaration for the acquired land was published in the newspapers on 11.09.2011. Thereafter, proceeding under Section 11, Act 1 of



1894 the award of the acquired land was declared on 30.08.2013 and till now Rs. 3.208548 crore compensation amount has been disbursed among the raiyats. It is further submitted that allocation of land for Police Line is an administrative decision and it has been decided after taking into consideration the strategic location of the local administration.

5. Having heard counsel for the parties and having perused the materials available on record, I do not find any merit in the application. Location of Police Thana/Line is primarily for the State government to decide. The appropriate authority for deciding the place of construction of Police Thana/Line would be the concerned department and/or the local administration. This is purely an administrative matter. This Court cannot arrogate to itself the role of administrator to start taking administrative decisions where the Police Line should be constructed or not.

6. This writ petition is, accordingly, dismissed.

(Prabhat Kumar Singh, J)

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