

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13748 of 2022

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Anwari Khatoon Wife of Late Asagar Ali, Resident of Village - Ishlampur
(Madanpur), P.S. - Madanpur, District- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary Old Secretary Bihar, Patna.
2. The Principal Secretary Revenue and Land Reforms Department
Government of Bihar, Patna.
3. The District Magistrate, Aurangabad.
4. The District Land Acquisition Officer, Aurangabad.
5. The Deputy Collector Land Reforms, Aurangabad.
6. The Circle Officer Madanpur, District- Aurangabad.
7. The Union of India through the Secretary Department of Road Transport and
Highways New Delhi.
8. Md. Mumtaj Ahmad @ Shamir, Son of Late Sultan Miyan, Mouja -
Madanpur, Anchal- Madanpur, District- Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vikas Kumar Jha, Advocate
For the Respondent/s : Md. Khurshid Alam (Aag 12)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 10-11-2023

I. A. No. 01 of 2023

This interlocutory application i.e., I.A. No. 1 of 2023
has been filed for substituting the name of sole petitioner who
died on 05.12.2022, during the pendency of this case. By filing
supplementary affidavit counsel for the petitioner has mentioned
the details of the legal heirs/representatives of the sole
petitioner.

2. Let name of sole petitioner be deleted from the
cause title of this petition and in her place legal



heirs/representatives as mentioned in paragraph 3 of the supplementary affidavit be substituted.

3. Considering the averments made in the I. A. No. 1 of 2023, the same is allowed.

CWJC No. 13748 of 2023

4. Heard the parties.

5. This writ application has been filed for the following reliefs:

“(a) For issuance of writ in the nature of Mandamus, directing and commanding upon the respondents to pay the compensation amount of the structure of the house of the petitioner which is acquired by the respondents for the purpose of converting National Highway 02 (NH 2) in to six lane road.

(b) For issuance of writ in the nature of Mandamus, directing and commanding upon the respondents to pay the compensation amount of the land of petitioner as the respondents saying that the land is Germajaru therefore the compensation of the land will not be given to the petitioner but the petitioner has purchased the land and paying the tax on this land.

(c) For issuance of writ in the nature of mandamus commanding and directing upon the respondent authorities for not demolishing the structure of the petitioner’s house until/unless he gets the compensation.”



6. It is contended on behalf of the petitioner that the land of the petitioner bearing Khata No. 176, Khesara No. 1459 and area 6 decimals under Mauja- Madanpur, Anchal- Madanpur and District- Aurangabad was acquired for the purpose of converting National Highway No. 02 (NH 2) into six land road but compensation of structure of the house of the petitioner was never paid to him. It is submitted that one Md. Mumtaj Ahmad @ Shamir, son of Late Sultan Miyan has fraudulently taken the compensation amount of house of the petitioner. Thereafter, petitioner raised objection by giving an application to the Deputy Collector, Land Reforms, Aurangabad (Respondent No. 5). Pursuant to the application filed by the petitioner, respondent No. 5 asked to inquire about the ownership of the land in question from the Circle Officer, Madanpur (Respondent No. 6) *vide* Letter No. 202 dated 27.10.2020. It is submission of the petitioner that in compliance of the aforesaid direction of the respondent No. 5, after due inquiry, respondent No. 6 submitted a report to that effect *vide* Letter No. 204 dated 20.02.2021 stating therein that the land in question which was acquired by the respondent authorities belongs to the petitioner. After submission of the inquiry report by the respondent No. 5, notice was issued to Md. Mumtaj



Ahmad @ Shamir (Respondent No. 8) to return the compensation amount within a week *vide* order dated 16.06.2021 (Annexure-P/2 to the petition) but till date no action has been taken.

7. In view of the aforesaid development, Deputy Collector, Land Reforms, Aurangabad (Respondent No. 5) is directed to conclude the proceeding and realize the amount as early as possible, preferably, within a period of six months from the date of receipt/production of copy of this order.

8. This writ application is disposed of with the aforesaid direction.

(Prabhat Kumar Singh, J)

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