

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14026 of 2022

Manish Kumar Son of Vimal Singh, Permanent Resident of village and Post - Shamkauriya, P.S.- Isuapur, District - Saran, Bihar - 841411, presently residing at Nepali Nagar, Aashiyana Digha Road, P.S. - Rajeev Nagar, Patna, Bihar - 800025.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Urban Development and Housing Department Government of Bihar, Patna.
2. The Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
3. The Bihar State Housing Board through Managing Director, Patna.
4. The Managing Director, Bihar State Housing Board, Patna.
5. The Secretary, Bihar State Housing Board, Patna.
6. The District Magistrate, Patna, Bihar.
7. The Circle Officer, Patna Sadar, Patna, Bihar.
8. The Acquisition Officer, Patna, Bihar.
9. Dharmendra Ray Son of Rambalak Ray Village - Rajapur, Pranami Mandir Patligali, P.S. - S.K. Puri, District Patna, Bihar 800001.
10. Sanjay Kumar, Son of Late Satyanand Rai, Resident of Village Ramjeechak, Post - Bataganj, P.S. - Digha, District- Patna, Bihar, Pincode- 800018.
11. Ranjan Kumar, Son of Late Satyanand Rai, Resident of Village Ramjeechak, Post - Bataganj, P.S. - Digha, District- Patna, Bihar, Pincode- 800018.
12. Mukesh Kumar, Son of Late Satyanand Rai, Resident of Village Ramjeechak, Post - Bataganj, P.S. - Digha, District- Patna, Bihar, Pincode- 800018.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Prem Ranjan Raj, Adv.
For the Respondent/s : Mr.Subhash Pd. Singh (Ga3)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 18-07-2023 The present writ petition has been filed seeking the following reliefs:-

“1.i) For issuance of a direction to the respondent authorities, to not dispossess the petitioner from his dwelling house of an area 1693 Sq ft (7 Katha



05Dhur) constructed on Survey plot No. 2635 situated at Nepali Nagar Rajiv Nagar within the Digha Acquired Land, and settle the land in favour of the petitioner as per the Digha settlement Scheme 2014 after proper physical survey and earmarking the area of constructed residential houses situated within the 400 acres of land as per the proviso mentioned in Section 7 of the Digha Acquired Land Settlement Act 2010.

ii) For u direction to the concerned respondent authorities to consider the grievances of the petitioner under section 7 of Digha Acquired Land Settlement Act 2010 during the physical Survey of the unauthorized construction of residential houses for the purpose of earmarking the area within 400 acres comes under section 7 of the Act 2010 for settling the unauthorized occupants as per the scheme 2014.

iii) For a direction that the vacant land of 400 Acres should be treated as vacant land and area of residential house as unauthorized occupants and not to be deemed as vacant area.

iv) For a direction to mutate the land in issue in favour of the petitioner in the Register II of the records of right Patna Sadar; for all purposes declaring the same as out of acquired land.

v) For a direction to the respondent authorities to allot a flat within the Town planning at Digha Acquired Land as per the provision of the Digha Settlement Scheme 2014 in case of any planning for dispossession of the petitioner from his dwelling



house over the land in issue, and to give ex-gratia amount to the petitioner equivalent to the value at District Registrar Office for Land in issue at the current financial year and give the compensation for the constructed Dwelling house to the petitioner.”

The learned counsel for the parties have pointed out that the lis involved in the present case has already stood adjudicated by a Coordinate Bench of this Court by a judgment dated 25.05.2023, passed in C.W.J.C No. 9422 of 2022 (Satyendra Rai vs. The State of Bihar & Ors.) and other analogous cases, consequently, the present case is squarely covered by the said judgment dated 25.05.2003, hence the present writ petition be also disposed off in similar terms.

Having regard to the facts and circumstances of the case, I deem it fit and proper to dispose off the present writ petition in terms of the aforesaid judgment dated 25.05.2023, passed by a co-ordinate Bench of this Court in the case of Satyendra Rai (supra).

The writ petition stands allowed.

(Mohit Kumar Shah, J)

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