

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18246 of 2022

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Kamla Devi W/o Late Visundeo Prasad Resident of Arya Samaj Road Bihta,
District- Patna, PIN Code- 801103.

... .. Petitioner/s

Versus

1. The State of Bihar through Principle Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
2. The Principle Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
3. The District Magistrate-Cum-Collector, Patna.
4. The Additional Collector, Patna.
5. The Deputy Collector, Land Reforms, Patna Sadar.
6. The Circle Officer, Bihta, Patna.
7. The Secretary, Department of Industry, Govt. of Bihar, Patna.
8. The Managing Director, Bihar Industrial Area Development Authority (BIADA), Bihar, Patna.
9. The Executive Director, Bihar Industrial Area Development Authority (BIADA), Bihar, Patna.
10. The Development Officer, Bihar Industrial Area Development Authority (BIADA), Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ranjan Kumar Dubey Mr. Kumar Gaurav
For the State	:	Mr. Sajid Salim Khan (Sc25)
For the BIADA	:	Mr. Girjish Kumar

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 22-11-2023 Heard learned counsel for the parties.

2. This writ application has been filed for restraining respondent Nos. 8 to 10 from taking possession over the land belonging to the petitioner situated in Tauzi No. 2544, Thana No. 50, Khata No. 12, Plot No. 362, Village- Khedalpura, Circle- Bhita having an area of 2 Acre 97.5 decimals.



3. It is the contention of the petitioner that the land in question was purchased by way of oral sale made by one Kailash Bihari, who in turn was the settlee of the ex-landlord. It is further submitted by learned counsel for the petitioner that ex-landlord submitted the return after abolition of *zamindari* in the name of the vendor of the petitioner as *raiyat*. Jamabandi of the land was created in favour of the petitioner bearing jamabandi No. 809 and 883. The petitioner has been paying revenue and rent receipts have been issued regularly in favour of her husband and the petitioner for last many years. The BIADA filed an application before the Circle Officer, Bihta for mutation of the land in their name but the same was rejected *vide* order dated 16.03.2021. In spite of the rejection order, BIADA has started construction activities upon the land of the petitioner without acquiring the same in accordance with law.

4. By way of filing counter affidavit, learned counsel for respondent Nos. 8 to 10 submits that subject matter of the instant writ application pertains to assets as well as the land of the erstwhile Bihta Sugar Factory situated in Bihta which has now been vested into the respondent BIADA by the Government of Bihar. It is further submitted that State of Bihar through the Department of Sugarcane transferred the land in



question to BIADA *vide* order dated 14.03.2018. He further submits that it is not a matter of land acquisition, rather it is a matter of transfer from the Government to BIADA and if the petitioner has any claim, she can claim against Sugar Corporation or from the Government of Bihar.

5. Having regard to the facts and circumstances of the case, this writ application is disposed of with direction to the concerned respondent authorities not to dispossess the petitioner from her land without taking recourse to the due process of law, for which liberty is granted to the respondents.

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

(Prabhat Kumar Singh, J)

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