

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10451 of 2018

1. Sumitra Devi and Anr Wife of Pundev Rai,
2. Satrugan Prasad, Son of Pundev Rai, Both resident of Village- Bajitpur Turkwalia, Police Station- Chapra Muffasil, Naini, District- Saran at Chapra, Presently reside at resident of Mohalla- Purbari Telpa, P.S.- Chapra Town, District- Saran at Chapra.

... .. Petitioner/s

Versus

1. The Union Of India and Ors
2. The State of Bihar.
3. The Collector, Saran at Chapra.
4. The Additional Collector, Saran at Chapra.
5. The Sub-Divisional Officer, Chapra Sadar, District- Saran at Chapra.
6. The Deputy Collector Land Reforms, Chapra, District- Saran.
7. The District Land Acquisition Officer, Saran at Chapra.
8. The Circle Officer, Chapra, District- Saran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Basant Kumar Singh, Advocate Mr.Vishesh Kr. Singh, Advocate Mr.Mrityunjay Harsh, Advocate
For the Respondent/s	:	Mr.Md.Khurshid Alam -AAG12 Ms.Nutan Sahay, AC to AAG12
For the U.O.I.	:	Mr.Awdhesh Kumar Pandey, Sr. CGC Mr.Lokesh, Advocate

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT

Date : 28-10-2024

In the instant petition, petitioners have prayed for
the following relief(s):-

*(i) the respondent
be restrained from making construction of
the boundary wall on the lands of the
petitioners without acquiring the same
under the provisions of Right to Fair
Compensation and Transparency in Land
Acquisitioin, Rehabilitation and*



Resettlement Act, 2013, hereinafter referred to as 'the Act, 2013'.

(ii) the respondents be permanently restrained from interfering the peaceful possession of the petitioners' lands.

(iii) for passing such other order or orders for which the petitioners are entitled under the law in the facts and circumstances of the case.

2. Learned counsel for the petitioners submits that petitioners have owned 5 Katha 10 dhurs of land, under Khata No. 224 Survey No. 1422 and 6 Katha of land under Khata No. 332, Survey Plot No. 1437 and 1376. It has been submitted that the said plot is adjacent to north side and some portion adjacent to south side of the Chapra Air Port. It has been submitted that in the year 1981-82, in the vicinity of the petitioners some portion of the land has been acquired for expansion of the Airport and compensation amount has been given and petitioner's land were not acquired. The counsel of petitioners submits through Annexure 3 that petitioners are in possession of land bearing Khata No. 224, Survey No. 1422, Area 5(1/2) and Khata No. 332, Survey Plot No. 1437 and 1376, Area 6 Katha upon which respondents have started the construction of boundary wall for Chapra Airport without issuing any notice or order. Petitioner has raised his grievance



before Respondent Authority but nothing has been done so far. So, petitioners have approached this Court for redressal of his grievance.

3. Learned Counsel for the State submits that so far as construction of the boundary wall in the purchased land of the petitioner is concerned, no boundary wall has been constructed in the land of the petitioner as alleged. In Para 8 of the counter affidavit, it has been mentioned that 3 decimal land in the Plot No. 1377 was acquired for which compensation amount has already been received by Hardeo Rao, s/o- Ghanshyam Rai. Learned counsel for the State further submits that there is no specific order against whom petitioners have approached this Court. He further submits that the representation has been filed without any relevant document with respect to the land in question showing their possession of the said land. He further submits that petitioners should have approached the concerned authority by filing afresh representation with relevant documents with respect to the land in question.

4. Considering the facts and circumstances of the case and the arguments advanced on behalf of both the parties, the present writ petition stands disposed of, with liberty to the



petitioner to raise his grievance before the appropriate authority within a period of three weeks from the date of receipt of this Order. The concerned authority is hereby directed to consider the grievance of the petitioners after giving due opportunity of hearing to the parties and pass appropriate order expeditiously, in accordance with law.

(Alok Kumar Pandey, J)

alok/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	30.10.2024
Transmission Date	N/A

