

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22326 of 2018

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1. Nagendra Nath Rai Son of Late B.P. Rai.
 2. Binod Kumar Rai, Son of Late Rameshwar Prasad Rai. Both are resident of Village- Chhatoobathua, P.O. P.S.- Phulwaria, District- Gopalganj, Pin 841425.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
3. The District Magistrate, District- Gopalganj.
4. The D.C.L.R., Hathua, District- Gopalganj.
5. The Circle Officer, Phulwaria, District- Gopalganj.
6. The Sub Registrar, Phulwaria, District Gopalganj.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Dhananjay Kumar, Advocate
For the Respondent/s	:	Mr. Sajid Salim Khan -SC25
		Mr. Wasim Ahmad Khan, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 28-02-2024 Let a copy of the statement of fact be kept on record.

2. Heard Mr. Dhananjay Kumar, learned counsel for the petitioners and Mr. Wasim Ahmad Khan, learned AC to SC-25.

3. The respondent, Circle Officer, Phulwaria put a ban on 30 acres of land on the ground that there is a proposal for its acquisition. No further step was taken despite the fact that the



affected persons are/were agitating the matter repeatedly.

4. The petitioner no. 2, Binod Kumar Rai has also preferred an appeal before the Second Appellate Authority-cum-District Magistrate, Gopalganj and on 20.07.2018, the Collector after observing that if the proposed land is not going to be acquired, the Circle Officer, Phulwaria should take steps to send proposal to the appropriate authority within fifteen days so that the land could be released. Even thereafter, nothing happened, the writ petition.

5. Six years later, the State came out of deep slumber and though no counter affidavit is on record, a statement of fact on behalf of the Collector, Gopalganj has been received by the office of Standing Counsel-25 and learned AC to SC-25 has provided the said statement of fact duly signed by the officials of the Gopalganj including the Circle Officer, Phulwaria, the DCLR, Hathua and the District Magistrate, Gopalganj and paragraph 8 read as follows:

“8. That it is submitted that till date no acquisition of land has been proposed for the list prepared. Therefore Circle Officer, Phulwariya released vide order letter no. 1963 dated 30/12/2023, the land from the ban. As a result the authority for the identified land being not necessary



for the purpose of acquisition project, the lock over the said land has been vacated.

That accordingly Sub Registrar, Phulwariya has removed the said land from compliance the to restriction list in the direction of the competent authority. The petitioner may file his document and get question registered in the light lend in of provisions of the Registration Act. the In this regard the petitioner has been also informed.”

6. Finally, they have taken note of the suffering of the villagers including these petitioners and have withdrawn the order.

7. In that background, the writ petition has become infructuous.

8. However, the respondent, Circle Officer, Phulwaria having failed to release the land despite the order of the District Magistrate-cum-Second Appellate Authority, Gopalganj in the year 2018 forcing the petitioners to move before this Court and thereafter, chose to sit over the matter for six years without filing any counter affidavit, a cost of Rs. 5,000/- is imposed upon him to be paid from his own pocket and payable to the petitioners through the demand draft issued by the local State Bank of India, Gopalganj within four weeks.



9. The writ petition stands disposed of with the
aforesaid observation.

(Rajiv Roy, J)

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