

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4681 of 2018

1. Manoj Kumar, Son late Mahendra Singh, Resident of Village- Navi Nagar, P.S.- Deepnagar, District- Nalanda.
2. Anjani Kumar @ Nakul Kumar, Son of late Mahendra Singh, Resident of Village- Navi Nagar, P.S.- Deepnagar, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through D.M.-cum-Collector, Nalanda.
2. Special Land Acquisition Officer-Cum-Competent Officer N.H.-82, Nalanda.
3. Circle Officer, Bihar Shariff, District- Nalanda.
4. Chairman-Cum-Presiding Officer, Land Acquisition and Rehabilitation Authority, Patna.
5. Sanjeev Kumar, Son of late Boudhu Gope, Resident of Village- Ganjpar, P.S.- Deepnagar, District- Nalanda.
6. Lallu Yadav, Son of late Boudhu Gope, Resident of Village- Ganjpar, P.S.- Deepnagar, District- Nalanda.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rajeev Ranjan, Advocate
For the Respondent/s	:	Md. Faiz Ahmad, AC to GP-14

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 18-07-2024

Heard Mr. Rajeev Ranjan, learned Advocate for the petitioners and Md. Faiz Ahmad, learned AC to GP-14, for the State.

2. The petitioner is aggrieved by the Memo No. 1095 dated 29.04.2017 (Annexure-5 to the writ petition) issued by the Circle Officer, Bihar Sharif, Nalanda whereby the Land Possession Certificate No. 115 dated 04.07.2015 as well as Land Possession Certificate No. 143 dated 15.07.2015 issued in



favour of petitioners have been cancelled. The petitioners also sought a direction upon the respondents to hand over cheque no. 719271 dated 13.06.2017 amounting to Rs. 38,22,809/-, after revalidating it, in favour of the petitioners by the District Land Acquisition Officer, Nalanda, as the Raiyati land of the petitioners bearing Khata no. 189, Khesara no. 1043, Thana no. 99 of total area 0.261926 has been duly acquired by the authority for the purpose of construction of NH 82.

3. On the last occasion, after hearing the parties, a direction was given to the State respondents to produce the original record of Misc. Case No.93/2016-17 from the Circle Officer, Bihar Sharif, Nalanda.

4. A counter affidavit has been filed, duly sworn by the Circle Officer, Bihar Sharif. It is averred that in compliance with the order of this Court, the concerned record was searched in the office, but the same could not be traced out. The person, who was the custodian of the original record has been noticed, but the record could not be produced, leading to lodging of the F.I.R. as well as initiation of a departmental proceeding against the erring officials.

5. Learned Advocate for the State also contended that for the purposes of construction of NH-82, certain land was



acquired. The land, in question, was recorded in the name of Mahadeo and Saryu Singh son of late Jethu Singh, who are ancestors of the petitioners. In pursuance of the public notice, the petitioners obtained the Land Possession Certificate and made claim over the acquired land. On the basis of the relevant documents, an award was prepared, however, in the meantime, objection was filed on behalf of private respondent nos. 5 and 6 making claim over the land, in question. A Misc. Case no. 93/2016-17 has been filed for cancellation of the Land Possession Certificate issued in favour of the petitioners. The matter was enquired by the Revenue Karamchari and the incharge Circle Inspector. They submitted a report in favour of the private respondents on the basis of possession, which led to cancellation of Land Possession Certificate Nos. 115 and 143 issued in favour of the petitioners.

6. Considering the objections made by the private respondents raising a counter claim over the land, in question, the matter was referred to the Land Acquisition Rehabilitation and Re-settlement Authority, Patna vide Annexure-7 to the writ petition.

7. Learned Advocate for the petitioner, thus contended that the matter is pending since 2017 and till date no



final order has been passed resulting into deprivation of the petitioners from their rightful claim.

8. Considering the nature of the dispute, which is to be considered and decided at the level of the Chairman-cum-Presiding Officer, Land Acquisition and Rehabilitation Authority, Patna Officer, this Court deems it fit and proper to dispose of the writ petition with a direction to respondent no.4 to consider the claim of the petitioners vis-a-vis objection of the private respondents on the basis of the documents available with the parties and the revenue record, if any, and dispose of the same preferably within a period of three months from the date of receipt/production of a copy of this order.

9. Suffice it to say that after the decision is taken in the matter, necessary payment shall be made.

10. With the aforesaid observations, the writ petition stands disposed of.

(Harish Kumar, J)

uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.07.2024
Transmission Date	NA

