

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7410 of 2018

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1. Santosh Kumar Jha @ Santosh Jha @ Rudra Nath Jha, Son of Late Bhagirath Jha
 2. Rama Nath Jha, Son of Late Ganesh Jha, Both are residents of Village - Sarab Sima, P.S. - Bhairab Asthan, District - Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Revenue Department, Government of Bihar, Patna
2. The Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
3. The Commissioner, Darbhanga Division, Darbhanga.
4. The Collector, Madhubani.
5. The Additional Collector (Revenue), Madhubani.
6. The Deputy Collector, Land Reforms, Madhubani.
7. The District Land Acquisition Officer, Madhubani.
8. The Sub-Divisional Magistrate, Jhanjharpur.
9. The Block Development Officer, Jhanjharpur, Madhubani.
10. The Circle Officer, Jhanjharpur Circle, Madhubani.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sushil Kumar Jha, Advocate
For the Respondent/s : Mr. Mukul Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 08-08-2024 Heard Mr. Sushil Kumar Jha, learned Advocate for the petitioners and Mr. Mukul Prasad, learned Advocate for the State.

2. The petitioners are aggrieved by the unauthorized and illegal acquisition/encroachment of the land of the petitioners appertaining to Thana No. 157, Khata No. 315, Khesra no. 591, Mauza-Sarab Sima, which is said to have been



acquired for construction of road without any process of law, and making payment of compensation to the petitioners.

3. Learned Advocate for the petitioners contended that the land in question is the ancestral Khatiyani land. There are separate two jamabandis exist for both the petitioners and they have been paying revenue rent of the land to the State.

4. While the petitioners were residing outside the State for their livelihood, without there being any notice the official respondents have unauthorizedly constructed road over the land in question. For redressal of their grievance, the petitioners moved before the District Magistrate, Madhubani by filing a representation on 28.01.2017, the copy of which is marked as Annexure-1 to the writ petition. Despite the representation, pending since 2017, till date, no order has been passed and, as such, the petitioners approached before this Court.

5. Considering the fact that the representation was filed way back in the year 2017 and till date it has not been taken up, it would be proper that the petitioners shall file a fresh representation before the respondent no. 4, preferably within a period of two weeks from today.

6. Looking at the nature of the grievance, this Court



deems it proper to dispose of the writ petition with a direction to the respondent no. 4 to consider the claim of the petitioners and after getting a report from the concerned Circle Officer and after giving opportunity of hearing to the other stakeholders, if need be, dispose of the same preferably within a period of 12 weeks from the date of receipt/production of a copy of this order, in accordance with law.

(Harish Kumar, J)

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