

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4253 of 2024

1. Satyadeo Prasad Singh son of Sri Sita Ram Mandal, resident of Mauza-Sripurgahar, Tole-Bathnaha, P.S.-Khanpur, District-Samastipur.
2. Satyendra Prasad, Son of Sri Sita Ram Mandal, resident of Mauza-Sripurgahar, Tole-Bathnaha, P.S.-Khanpur, District-Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Revenue Department, Govt. of Bihar, Old Secretariat, Patna.
2. The District Magistrate, Samastipur.
3. The Land Acquisition Officer, Samastipur.
4. The Project Director of National Highway Authority of India (Darbhanga-Rosera), Four Lane Division, Jainagar.
5. The Executive Engineer, National Highway Division-Jay Nagar.
6. The Additional District Magistrate, Record Room, Samastipur.
7. The Land Reform Deputy Collector, Samastipur.
8. The Circle Officer, Khanpur, Samastipur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Amit Srivastava, Sr. Advocate Mr. Vijay Anand, Advocate
For the Respondent/s	:	Mr. Government Pleader 11
For the NHAI	:	Mr. Maurya Vijay Chandra, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 25-06-2024 Heard Mr. Amit Srivastava, learned Senior Counsel

duly assisted by Mr. Vijay Anand, learned Advocate for the

petitioners, Mr. Maurya Vijay chandra, learned counsel for the

NHAI and learned G.P. -11 for the State.

2. The present petition has been preferred for:

*issuance of nature of mandamus
commanding the Respondents to consider the claim
of compensation of Plot No. 13342 and 13158 of*



Mauza-Sripurgahar, Khanpur, Samastipur acquired by the N.H.A.I belonging to the petitioners in view of the judgment dated 29.3.2017 passed by Learned Sub-Judge 1st Samastipur in Title Suit No.290/2016 as well as order dated 22.05.2009 passed by Assistant Settlement Officer, Samastipur in two cases i.e. 283/2006 and 287/2006 by which direction has been given to make necessary correction in the Khatiyon which has wrongly been entered as Anawad Servsadhara and Anawad Bihar Sarkar.

3. Learned Senior counsel for the petitioners straightway took this Court to the order passed by the learned Sub-Judge-Ist, Samastipur in Title Suit No. 290/2016 (**Satyadev Prasad Singh & Ors vs. The State of Bihar & Ors**) in which the title with regard to the land in question was decided in his favour (Annexure-4 to the petition). The details of the land quoted herein below:-

<u>Khate old</u>	<u>Khata New</u>	<u>Khesra old</u>	<u>Khesra New</u>	<u>Area</u>
100	2732	8926 8927	13342	0-8 South
56	2733	8926 8927	13158	0-32 North
1014	2733	9130	13946	0-1 East
57	2733	7988	11715	0-9

4. He submits that thereafter, he petitioned before all



the concerned respondents including the respondent no. 7 (The Deputy Collector Land Reforms, Samastipur) on 27.01.2024 and in view of the fact nothing happened. Hence, the present writ petition.

5. With the help of paragraph no. 18 of the petition, he submits that to his knowledge, till date, the judgment dated 29.03.2017 in Title Suit No. 290 of 2016 passed by the Sub-Judge-Ist, Samastipur has not been challenged before the any competent Court.

6. Learned State counsel submits that if the contention of the petitioner is true *inasmuch* as the title Court has decided the matter in his favour and no appeal has been preferred against that order, the respondents are duty bound to pass an appropriate order on the petition put forward by the petitioner. He submits that though letter has been sent, no reply was forthcoming.

7. Despite the submission of two copies of the writ petition to the State counsel six months ago and despite the contention of the State that the letter was issued vide letter no. 4638 dated 15.02.2024, the respondent did not submit any statement of facts which resulted into non-filing of the counter affidavit.

8. Instead of imposing cost upon the respondents



and/or keeping the case pending, it would be appropriate that the writ petition is disposed of with a direction to the respondent no. 3 (the District Land Acquisition Officer, Samastipur) to take a decision on the fresh petition to be filed by the petitioner along with all the relevant documents within a period of four weeks from today, within next four months.

(Rajiv Roy, J)

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