

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.5942 of 2023**

Janardan Prasad Son of Late Nathuni Prasad, R/o Village- Jagdishpur, P.S.- Jagdishpur (Nautan), District- West Champaran, Bettiah.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reform Department, Govt. of Bihar, Patna.
2. Senior Project Engineer, Bihar State Pul Nirman Nigam Ltd., Bihar, Patna.
3. District Magistrate, West Champaran, Bettiah.
4. District Land Reform Officer, Block- Nautan, West Champaran, Bettiah.
5. Circle Officer, Block- Nautan West Champaran, Bettiah.

... .. Respondent/s

**Appearance :**

|                           |   |                                                                            |
|---------------------------|---|----------------------------------------------------------------------------|
| For the Petitioner/s      | : | None                                                                       |
| For the State             | : | Mr. Md. Khurshid Alam, AAG-12<br>Mr. Majid Mahboob Khan, Advocate with him |
| For the Pul Nirman Nigam: |   | Mr. Md. Nadim Seraj, Advocate<br>Mr. Shahbaj Alam, Advocate                |

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

6      26-02-2024                      No one appears on behalf of the petitioner though learned counsel for respondent No.2, Bihar State Pul Nirman Nigam Ltd. is present.

2. The petitioner seeks following reliefs :-

That through this writ application the petitioner reliefs:-

(I) For issuance of writ in the nature of mandamus directing and commanding to the respondent not to forcibly encroach the private land of the petitioner of Mauza Jagdishpur, (Nautan), P.S.- District- Jagdishpur West Champaran, appertaining to Khata No.- 433, Khesra No.-56 which are coming in the physical, peaceful, cultivating possession of the petitioner's family since a long time for which petitioner's family has been paying rent and obtaining receipts.



(ii) For issuance of a writ in the nature of mandamus for directing and commanding to the respondents to pay compensation amount of the said land which is forcible and illegally encroached/ occupied by the concerned respondent without giving any information/ notice to the petitioner.

(iii) For writ nature issuance including of writ of an appropriate writ in of the mandamus commanding the respondents to act in accordance with law and it for any public purpose any land, may be the petitioner's lands, required by the Government. It has to act and proceed in accordance with the law relating to private land, and not in an arbitrary manner or forcibly encroaching upon a private land with an intention for to taking possession for making any construction.

(iv) For any other relief or reliefs for which the petitioner is found entitled in the facts and circumstances of the case.

3. The counter affidavit of the respondent No.2, the Bihar State Pul Nirman Nigam Ltd. filed, do not say whether the land of the petitioner has been taken or not and instead has requested the Circle Officer through to throw light on the matter and letter to this effect has been annexed.

4. The Circle Officer, Nautan, West Champaran too has filed his counter affidavit and learned State counsel has taken the Court to paragraph 9 in which it has been averred that there has not been any acquisition by the District Land Acquisition Officer.

5. From the two counter affidavits, filed on behalf of the Bihar State Pul Nirman Nigam Ltd., and the Circle Officer, Nautan, it is clear that none of them have any knowledge on the claim put forward by the petitioner and / or his grievance.

6. To remove the said confusion, it would be



appropriate that the petitioner approach to District Magistrate-cum-Collector, West Champaran along with his representation within a period of four weeks from today.

7. If such representation is filed, the Collector, West Champaran will be duty-bound to look into the matter, seek report from the office of the District Land Acquisition Officer, West Champaran as also the Circle Officer, Nautan, West Champaran and if necessary from the Bihar State Pul Nirman Nigam and take the matter to its logical conclusion within a period of three months from the filing of the representation.

8. If it is found that the land of the petitioner has not been acquired or encroached, the necessary orders shall be passed accordingly.

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

**(Rajiv Roy, J)**

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