

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11086 of 2021

Sanjay Kumar Son of Late Rajmani Roy, Resident of Mohalla - MIGH- 357,
2nd Floor, Room No. - 01, Kankarbagh Main Road, P.S. - Kankarbagh,
District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The Secretary, Housing Department, Government of Bihar, Old Secretariat Building, Patna.
3. The Bihar State Housing Board through its Chairman, 6, Sardar Patel Marg, Patna - 800015.
4. The Managing Director, Bihar State Housing Board, 6, Sardar Patel Marg, Patna - 800015.
5. The Secretary, Bihar State Housing Board, 6, Sardar Patel Marg, Patna - 800015.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Chandra, Advocate Mr. Avinash Kumar, Advocate Mr. Chunnu Kumar, Advocate
For the State	:	Mr. Y.P. Sinha, A.A.G.-7 Mr. Rakesh Ambhastha, A.C. to A.A.G.-7
For the Respondent/s	:	Mr. Ravindra Kumar Priyadarshi, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

8 15-04-2024 Heard Mr. Krishna Chandra, learned Counsel for the petitioner and Mr. Ravindra Kumar Priyadarshi, learned Counsel representing the Bihar State Housing Board as also Mr. Rakesh Ambhastha, learned A.C. to A.A.G.-12.

2. The present petition has been preferred for the following reliefs:-

(a) for issuance of an appropriate

Writ/Writs, direction/directions in the nature of



Mandamus seeking direction upon the authorities of the Bihar State Housing Board to calculate the appropriate compensation of the land under acquisition (fully described in Para-5) along with statutory interest in terms of new land acquisition act being Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, as in the present case the compensation has not been paid to the petitioner before coming into force of new Act and disburse the same in favour of the petitioner; for which the petitioner has already submitted all the requisite documents;

(b) alternatively, to return the land of the petitioner unconditionally by making settlement of said land in favour of the Petitioner, which was part of the earlier acquisition proceedings, but till date due compensation has not been paid by the Board;

(c) for further kind indulgence of this Hon'ble Court to look into the matter and the concerned respondents may be directed to produce



all connected records for perusal for passing an appropriate order.

3. A counter affidavit on behalf of the respondent-Housing Board has been filed and paragraph nos.-5 and 12 read as follows:-

“5. That at the outset it is stated and submitted that the petition under reply is also suffered with misjoinder and non joinder of parties. The entire land acquisition of about 1024.52 acres of land was acquired by the state government in the year 1973-74 through gazette notification and declaration no. PLA94/7. The land of the petitioner was within the boundary of acquired land which is surveyed plot no. 1460. The entire process of acquisition was conducted by the Collector, Patna and District Land Acquisition Officer, Patna. The answering respondent being requisitioning authority had already deposited the required amount before the District Land Acquisition Officer, Collectorate, Patna. Apart from deposition of required amount no other role is attributed to the requisitioning authority. But the petitioner neither made party respondent Collector, Patna nor he has made District Land Acquisition Officer as a party respondent.

12. That it is further submitted that the petitioner under the Digha Acquired Land Settlement Rule 2014 the petitioner represented the



Housing Board and submitted entire details in Form B on 04.05.2018 and after examining the claim of the petitioner it is found that the Plot No. 1460 is already acquired and award is prepared in the name of Pitambar Roy S/o Jalim Roy resident of village- Digha at Serial No. 132 of award register. It is also revealed in course of enquire that entire land of Pitambar Roy is recorded as 0.77 acre and i.e. why the Housing Board through its Letter No. 3198 dated 16.09.2019 requested the petitioner that how the petitioner has got Title and ownership of the land and further other details of revenue records regarding which it is enquired by the concern Office of Circle Officer and District Land Acquisition Officer. It is specifically stated that if in course of enquiry the claim of the petitioner will be found genuine the compensation amount as per act and rule will be paid.”

4. In that background, learned Counsel for the petitioner submits that he will be approaching the appropriate authority with all the relevant documents so that they are satisfied and the compensation amount is released in his favour.

5. It is for the petitioner to approach the concerned authority and show the chain by which the land came from original awardee, Pitambar Roy to his father, Rajmani Roy and after his death, to him.



6. Granting said liberty, the writ petition stands disposed of.

7. In case, the petitioner approaches within four weeks from today, the authority shall ensure that the matter is taken to its logical conclusion preferably within a period of six months from the date, the petition is preferred along with all the relevant documents.

(Rajiv Roy, J)

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