

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7175 of 2022

Shanti Devi @ Shanti Wife of Vasu Deo Prasad Resident of Village-
Rahimpur, Parsa Baazar, P.S. Parsa Bazaar, District- Patna, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar.
2. The Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar.
3. The District Magistrate, Patna, Bihar.
4. The District Land Acquisition Officer, Patna, Bihar.
5. The Additional Land Acquisition Officer, Patna, Bihar.
6. The Circle Officer, Phulwari, Patna.
7. Bihar State Road Development Corporation Ltd through its Managing Director, Registered office at RCD Mechanical Workshop Campus, Near Patna Airport, Sheikhpura, P.s. Shastrinagar, Patna-800014.
8. The Managing Director, Bihar State Road Development Corporation Ltd.
9. The Chief Genral Manager, Bihar State Road Development Corporation Ltd.
10. The Dy. G.M. (Tech.) Central Project Implementation Unit, B.S.R.D.C.L Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Prashant Kumar, Advocate
For the Respondent/s	:	Mr. Sajid Salim Khan, SC 25
For the BSRDCL	:	Mr. Manish Dhari Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

8 11-01-2024 Heard learned counsel for the parties.

2. This writ petition has been filed for directing the respondent authorities for releasing appropriate compensation to the petitioner in accordance with law for acquisition of the total land of area 0.0725 Acres along with petitioner's dwelling house situated at Khata Nos. 193 and 249, Plot Nos. 240 and 212/594



respectively at Village- Rahimpur, Thana No. 98, Anchal- Phulwari, District- Patna.

3. Brief facts of the case are that petitioner owns the properties admeasuring 0.0725 Acres along with petitioner's dwelling house situated at Khata Nos. 193 and 249, Plot Nos. 240 and 212/594 respectively at Village- Rahimpur, Thana No. 98, Anchal- Phulwari, District- Patna and 9 *dhurs* of land purchased *vide* sale deed dated 26.10.1978 (Annexure-1). Petitioner has constructed a portion of her house and shop over the Plot No. 240 and remaining portion of her house over Plot No. 212/594 for which appropriate *Jamabandi* exists in the name of the petitioner. A notification was issued by the respondent authorities under Section 11(1) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 for acquisition of total 1.0325 Acres of land for Elevated Corridor project wherein name of the petitioner was mentioned as owner at Serial Nos. 18 and 33 for the purpose of receiving compensation to the extent of 0.0725 Acres of land (Annexure-3). Subsequent to the said notification, the respondent authorities have not taken any steps towards release of appropriate compensation to the petitioner in accordance with law and are trying to dispossess her from the



dwelling house.

4. On the other hand, by filing counter affidavit, learned counsel for the respondent submits that nature of the land of the petitioner is *Gairmajarua Aam Malik* which is apparent from the copy of the *nakal khatiyan* with regard to the land in question (Annexure-A to the counter affidavit). He next submits that the District Land Acquisition Officer, Patna *vide* Letter No. 642, dated 23.03.2021 has requested the DCLR, Patna Sadar to take needful action with regard to declaring the aforesaid *Gairmajarua Aam Malik* land as *Raiyati* or government land so that further action can be taken for payment of compensation to the petitioner. He further submits that in light of *status quo* order dated 25.08.2022 passed by the Hon'ble High Court, no demolition work has been carried out on the land in question. Furthermore, the petitioner has already filed for *raiya tikaran* of the land in question *vide* Raiyati Case No. 13/2022-23 before the competent court.

5. In view of the aforesaid facts and circumstances, at this stage, no direction can be issued by this Court for payment of compensation as Raiyati Case No. 13/2022-23 is already pending before the competent authority for final disposal. Till the declaration of the right of the petitioner over the land in



question, no order for payment of compensation can be made by this Court.

6. With the aforesaid observations, writ petition is, accordingly, disposed of.

(Prabhat Kumar Singh, J)

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