

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9811 of 2023

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Amarendra Prasad Narain Singh Son of Late A.P.N. Singh, Resident of 10-C,
Pocket - A SFS Flats, Mayur Vihar, Phase- 3, Vasundhra Enclave, S.O., East
Delhi, Delhi- 1100096

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
2. The Registrar, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
3. The Deputy Inspector General, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
4. The District Magistrate, Gaya.
5. The Additional Collector, Gaya.
6. The District Land Acquisition Officer, Gaya.
7. The District Sub Registrar, District Registration Office, Gaya.
8. The Circle Officer, Chandauti (Town), Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Surendra Kishore Thakur, Advocate
		Mr. Man Mohan Kumar, Advocate
For the Respondent/s	:	Mr. Rishi Raj Sinha, S.C.-19

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

7 15-04-2024 Heard learned Counsel for the petitioner and the

State.

2. The present writ application has being filed for:

*issuance of appropriate writ or writs,
direction or directions, order or orders for setting
aside the decision dated 26.02.2021 passed by a
committee headed by the Respondent No. 5
(Deputy Collector, Gaya), whereby and*



whereunder a decision has been taken that till re-allotment of the land measuring an area of 31 dec. out of 1.60 Acres acquired by the education department from the Khesra No. 13335, the registration of the rest part of the land of Municipal Khesra No. 13335 (old) situated at Mauza- Alamgirpur, Thana No.- 7 under the town and district of Gaya should not be treated as valid.

3. The petitioner claims that he is nephew of Rajkumar Kaushalendra Prasad Narayan Singh and son of Awadheshwari Prasad Narayan Singh whom the land was transferred by Rani Bhuvneshwari Kunwar through its registered sale deed No. 879 dated 23.02.1950.

4. It is his submission that the land acquired by the Education Department (1.60 acres) belong to Rajkumar Kaushalendra Prasad Narayan Singh and as such, has rightly been compensated. However, as the State is not in a position to demarcate 1.60 acres, the entire area has been banned and as such, no one is getting their lands registered, which is excessive.

5. It is his submission that even the Circle Officer, Chandauti, Gaya has given its report that the three encroachers on the 1.60 acres land does not include the petitioner herein.



6. A counter affidavit on behalf of the respondent nos. 4 to 8 has come and in paragraph -11, it has been claimed that once 1.60 acres land for which compensation has been given to Rajkumar Kaushalendra Prasad Narayan Singh and others and further regarding 31 decimal land, the attempt to sale is/are not legal as 1.60 acres has not been demarcated. Learned State Counsel tried to impress upon the Court that the document attached to it dated 06.03.2021 shows that it is part of the 1.60 acres land.

7. A rejoinder has been filed on behalf of the petitioner and paragraph-7 read as follows:-

“7. That it is further submitted that it appears from the report of the Circle Amin that out of acquired area 1.60 Acre, three persons have encroached over an acquired area i.e. only 31 decimal land for which the possession has to be taken by the Education Department (Annexure-4 of the writ application) and when the Respondent authority himself determined that the petitioner is not encroacher over acquired area, the restriction imposed by the authority appears to be illegal.”

8. At the end of the argument however, both the parties came to a common platform that let the respondents :-

(i) measure the 1.60 acquired land;



(ii) to come to a conclusion whether the encroachers include the petitioner or not;

(iii) still 0.31 acres of his land is available, he shall be entitled to get the same executed as and when required.

9. In that view of the matter, the petitioner to prefer a proper representation/application before the Collector, Gaya within four weeks from today.

10. In case, the petitioner approaches the concerned authority within four weeks from today, he 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. Before passing the order, the petitioner and/or his Counsel must be given personal hearing.

(Rajiv Roy, J)

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