

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11138 of 2023

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Baliram Singh Son of Late Sohan Singh Resident of Village and P.O.-
Bishnupura, P.S.-Bihta, District-Patna.

... .. Petitioner/s

Versus

1. The Union of India through the Secreary, Ministry of Road Transport and Highway, New Delhi.
2. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Bihar, Patna.
3. The National Highway Authority of India through its Project Director, Project Implementation Unit, Vivekanand Marg, Boring Road, Patna.
4. The Project Director, Project Implementarion Unit, N H A I, Vivekanand Marg, Boring Road, Patna.
5. The District Magistrate, Patna.
6. The Competent Authority Cum District Land Acquisition Officer, Patna.
7. The Sub Divisional Officer, Danapur, Patna.
8. The Circle Officer, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Lal Mani Sharma, Advocate
For the Respondent/s : Mr.Raj Kishore Roy (G.P)

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 29-03-2024 Heard the parties.

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

*(i) for issuance of an appropriate
writ, order or direction directing and
commanding the respondents not to come
over and take possession of the land of the
petitioner pertaining to Khata No. 473,
Thana no.53, Plot no. 2470, Area 21*



Decimals of Mouza Mahadevpur Fulari, Circle Bihta over which the House of the petitioner and shops are constructed and standing, without acquisition of the said land and house etc. of the petitioner in accordance with law as well as unless and until the petitioner is not paid the amount of compensation, 100% Soletium and interest at market rate by treating the said land of the petitioner as commercial, according to the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter to be referred as " the Act, 2013");

(ii) for issuance of an appropriate writ, order or direction directing and commanding the respondents to pay the petitioner the amount of compensation, 100% Soletium and interest according to the provisions of the aforesaid Act, 2013" for his aforesaid land pertaining to Khata No. 473, Thana no. 53, Plot no. 2470, Area 21 Decimals of Mouza Mahadevpur Fulari, Circle Bihta, at market rate by treating the said land of the petitioner as commercial, as well as for the house of the petitioner and shops constructed and standing over the said land before their acquisition in accordance with law."



3. A counter affidavit on behalf of the respondent nos. 3 and 4 is on record in which paragraph- 7 and 9 read as follows:

“7. That it is relevant to state that as per letter no. 613, dated 17.06.2015 issued by the Revenue and Land Reforms Deptt., Govt. of Bihar, for declaring the Bakast Land to be raiyati, the Collector/Deputy Collector Land Reforms (both) are the competent authorities whereas with regard to Gairmajarua Malik land, the competent authority for declaring it to be raiyati is the Collector of the district only.

9. That it is relevant to state that the part portion of the land in question under plot no. 2470 has been identified as missing plot under the Danapur-Bihta Elevated Project for which notification has not been done.”

4. Learned counsel for the petitioner submits that he will be approaching the Collector, Patna,

5. If any such petition is preferred before him within a four weeks from today, he shall take up the same and after hearing all the concerned parties will dispose of the petition of the petitioner within a period of three months from the date of receipt of the representation along with the present order.



6. The writ petition stands disposed of.

7. Till the collector decide the matter, it is expected that no coercive measures shall be taken with respect to the land in question.

(Rajiv Roy, J)

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