

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.13966 of 2023**

Md. Gajanfar Hussain Khaiyatan @ Md. Gajanfar Hussain S/o Md. Fazil Hussain Khaiyatan, Resident of Village- Bhouwara, Singhiniya Chowk, Ward No.25, Bhouwara, P.S. and District- Madhubani.

... .. Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna.
2. The Principal Secretary, Revenue and Land Reform Department, Bihar, Patna.
3. The Deputy Secretary, Revenue and Land Reform Department, Bihar, Patna.
4. The Commissioner, Darbhanga Division, District-Darbhangha.
5. The Collector, Madhubani, District-Madhubani.
6. The Additional Collector Madhubani District-Madhubani.
7. The Circle Officer, Madhubani (Rahika), District-Madhubani.

... .. Respondents

**Appearance :**

For the Petitioner/s : Mr. Amar Prakash, Advocate  
For the Respondent/s : Ms. Nutan Sahay, AC to AAG-12

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

7      10-09-2024                      Heard the learned counsel for the petitioner and the  
  
learned counsel appearing on behalf of the respondents.

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

*(i) For issuance of a writ in the nature of Mandamus commanding the respondent authorities to obey their own orders and Specially the order dated 16.01.2008 passed by the Respondent Circle Officer in compensation Related Record No. 01/2007 (as contained in Anneuxre-8 & 8/1), whereby and whereunder the compensation amount for the rent free ancestral land of the petitioner had been calculated and the same was forwarded to the then Collector, Madhubani for sanctioning the compensation amount to pay the petitioner's ancestor.*



*(ii) Further for issuance of an appropriate writ directing the Respondent authorities to pay the admitted claim of compensation to the petitioner forthwith u/s 23 of Bihar Land Reform Act, 1950 for his rent free ancestral lands for which his ancestors have already approached from pillar to post continuously but they lost their lives without benefits due to delaying tactics of the Respondent authorities.*

*(iii) For issuance of an appropriate writ / order direction for which the petitioner be found entitled to under the facts and circumstances of the case.*

3. Learned counsel for the petitioner submits that the land in question has belonged to the family of the petitioner and petitioner has filed an application before the Circle Officer, (Hereinafter referred to as “CO”) pursuant to the direction issued by the Deputy Secretary of the Hon’ble Chief Minister’s Secretariat directing the Collector to take immediate steps regarding claim of the ancestral land of the petitioner.

4. Learned counsel for the petitioner submits that after enquiry, the then Additional Collector has directed the CO to take necessary steps with regard to compensation amount payable to the ancestors of the petitioner.

5. Learned counsel for the petitioner further submits that the CO has started the proceeding for compensation regarding income for the rent free Khatiyani land of the petitioner’s ancestor and accordingly, he forwarded the record to the District Revenue Department for needful.



6. Learned counsel for the petitioner submits that despite the aforesaid, no action has been taken by the State respondents as yet. Thereafter, the petitioner has filed several representations before the authority concerned, but no action whatsoever was taken by the State respondents.

7. Learned counsel for the respondent State has filed detailed counter-affidavit and supplementary counter-affidavit stating therein that the letter of the CO by which the compensation proceeding has started has been subsequently recalled.

8. In compliance of the order dated 23.07.2024 passed in the present writ petition, a meeting was held on 01.08.2024 under the Chairmanship of Secretary, Revenue and Land Reform Department and the decision taken in the said meeting is as follows:

*“(i) In the meeting, first of all, the Secretary, Revenue and Land Reform Department, discussed the points and matters contained in the order dated CWJC No. 13966 of 2023 (Mohd. Ghazanfar Hussain Khaiyatan @ Ghazanfar Hussain v. The State Government and Others). Further, the Relevant provisions involved in the present matter were discussed amongst the departmental Officials.*

*(ii) That the operative part of the order dated 23.07.2024 Passed by Hon'ble Patna High Court is as follows:*

*"In view of the averments made in*



*Paragraph 11, 12, 13, 14 and 15 of the counter-affidavit filed on behalf of the State, the Respondent No. 3 is directed to file a supplementary counter affidavit within a period of three weeks and if the supplementary counter affidavit is not filed within the aforesaid period, then respondent No. 3 shall personally be present and assist this Court in the present matter and the State Councils are directed to communicate the aforesaid order to the Respondent No. 3.”*

*(iii) That in the present writ petition, the petitioner has prayed to obey the orders, especially the order dated 16.01.2008 passed by the then Circle Officer, Rahika in compensation related Record No. 01/2007 under the provisions of Bihar Land Reforms Act, 1950.*

*(iv) In the meeting, petition along with the order passed on 16.01.2008 in record no. 01/2007 related to compensation by the Circle Officer, Rahika was perused. From the perusal, it has become clear that the then Circle Officer has passed an order without following the procedure, whereas there is only one application on the record. No other relevant documents are attached.”*

8.1 From perusal of the aforesaid, it appears that the then CO has passed an order without following the procedure, whereas, there is only one application on the record and no other relevant documents were attached with the application. In addition to that, with respect to the letter dated 16.10.2007 and letter dated 02.08.2007 of the Additional Collector and the Collector, Madhubani, no evidence document in this regard was provided by the District Officer in the meeting. Hence, it was



presumed that no such letter was issued by the concerned authority. It also appears from the record that the right to compensation of the petitioner and his ancestors has been rejected long back by the then Compensation Officer, Darbhanga vide order dated 15.06.1964.

9. In view of the stand taken by the respondent State, no case is made out for interference of this Court.

10. Accordingly, the writ petition stands dismissed.

**(Rajesh Kumar Verma, J)**

Shahnawaz/-

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