

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13552 of 2018

=====

Bipin Bihari Shrivastav Son of Late Bhagwat Prasad, Resident of Town-
Jainagar, Mohalla- Bhelba Tol, P.S.- Jainagar, District- Madhubani.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Department of Revenue and Land Reforms,
Government of Bihar, Patna.
3. The District Magistrate, Madhubani.
4. The Additional Collector, Madhubani.
5. The Sub-Divisional Officer, Jainagar, Madhubani.
6. The District Land Acquisition Officer, Madhubani.
7. The District Land Acquisition Officer-cum-Competent Authority,
Madhubani.
8. Mediation Officer-cum-Additional Collector, Madhubani.
9. The Executive Engineer, PIU Head NH 104, NH Division, Sitamarhi.
10. The Circle Officer, Jainagar, Madhubani.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar Sinha
For the Respondent/s : Mr.Rishi Raj Sinha - Sc19

=====

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT

Date : 27-11-2024

In the instant writ petition, petitioner has prayed for
the following relief (s) :-

*“For quashing the order dated
09.05.2018 passed in Case No. 24 of
2016/2017 (Bipin Bihari Shrivastav Vs Dis-
trict Land Acquisition Officer/Project Direc-*



tor, National High Way Division & Ors.) passed by the learned Mediation Officer-cum-Additional Collector, Madhubai whereby and where under the case filed by the petitioner for declaring the land of the petitioner as Raiyati land and further grant compensation against the said land acquired by the Government for widening the NH-104 has been rejected without appreciating this fact that the land belongs to the petitioner. The learned Mediation Officer- cum-Additional Collector, Madhubal rejected the application of the petitioner despite acknowledging several documents which shows that the land belongs to the petitioner.

For a direction upon the concerned officer to grant him adequate compensation, as per the market rate, for acquiring the land of the petitioner for widening NH-104, which has been illegally denied with 18 % interest and for any other relief/reliefs this Hon'ble Court may find fit and proper in the facts and circumstances of the present case."

2. Learned counsel for the petitioner submits that the land appertaining to Khata No. 4232, Thana No. 119, Khesra No. 131, Ara 0.442 Hectare situated at Mauza Velha Velhi, Anchal Jaynagar, District- Madhubani, is the land belonging to the petitioner and others however, the concerned authority while



passing the order impugned on the application filed by the petitioner has observed that the land in question belongs to the State of Bihar and the grievance of the petitioner with regard to grant of compensation has been rejected and observation has been made to approach the competent civil court if he is aggrieved by the aforesaid order.

3. Learned counsel for the State submits that the land appertaining to plot no. 131 comprising an area 4 Acre 27 decimal exclusively belong to the State of Bihar which is a canal and accordingly revisional survey entries were made with respect to the aforesaid land, and as such, no compensation can be given to the petitioner. In case petitioner is aggrieved by the order of the concerned authority, he may approach the competent civil court.

4. Considering the facts and circumstances of the case and the arguments advanced on behalf of both the parties, the present writ petition is disposed of with direction to the petitioner to avail the remedy before the appropriate forum within a period of four weeks from the date of receipt of a copy of this order.

5. It is needless to say that the period spent in pursuing the matter before the different forums including the



present writ petition, be considered sympathetically while dealing with the application for condonation of delay.

(Alok Kumar Pandey, J)

mcverma/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.11.2024
Transmission Date	NA

