

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16771 of 2016

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Smt. Maya Devi Wife of Sri Suresh Prasad Sinha @ Rajak, resident of Purvi gali, Khazanchi Road P.S. Pirbahore, District Patna at present residing at 'GAYATRI-KUNJ' Hari Vihar Colony Ramnagar, P.S. Jakkanpur, New Bus Stand Road, Town and District Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
3. The Director, Land Acquisition Department, Bihar, Patna.
4. The District Magistrate, Patna.
5. The Land Acquisition officer, Patna.
6. The President, A.G. Housing Co-operative Society Ltd, House No. C-55, A.G. Colony Sheikhpura, P.O.
7. The Secretary, A.G. Housing Co-operative Society Ltd, House No. C-55, A.G. Colony Sheikhpura, P.O.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bachcha Pandey, Advocate
For the Respondent/s : Mr. Sajid Salim Khan, SC-25

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL JUDGMENT

Date : 30-09-2024

Heard learned counsel for the petitioner and learned counsel for the respondents.

2. The present writ petition has been preferred for the following relief/s:-

“(i) To issue appropriate writ/writs in the nature of writ of mandamus commanding upon the concerned respondents to release /resettle the



acquired land in favour of the petitioner in view of the fact that same remained unutilized till then.

(ii) To issue appropriate writ/writs commanding upon the concerned respondents to pay heavy amount of compensation along with panel interest thereon to the petitioner for her loss occurred due to unlawful act of the respondents authorities.

(iii) Any other writ/writs, order/orders, direction/directions may be issued upon the respondents for which the petitioner is found to be entitled for.”

3. Land in question appertains to Mauza Sheikhpura, Thana No. Phulwari Thana No. 9, Khata No. 271, Khesra No. 52, Touzi No, 5761, Area 1 Katha 10 dhurs, which was purchased by the petitioner *vide* sale deed dated 28-07-1979 from Most. Dukhani and Tapeswar Singh, thereafter, mutation was done in favour of the petitioner *vide* order dated 21-06-1980 in Mutation Case No. 664/80-81 and since then petitioner is paying rent and obtaining rent receipts.

4. Learned counsel for the petitioner submits that *vide* notification published in the Zila Gazette dated 16-07-1980, a total area of land measuring 54.75 acres of Mouza - Sheikhpura, including the land of the petitioner was acquired for A.G.



Housing Co-operative Society Ltd., Patna.

5. It is contention of the petitioner's counsel that even after lapse of 35 years of the acquisition, not a single farthing towards compensation has been paid to the petitioner. He submits that any land acquired, if remains unutilized for a period of five years from the date of taking over the possession, the same shall be returned to the original owner, in accordance with law by the State government, for which attention of this Court has been brought to the publication made in Bihar Gazette (Extra-ordinary) dated 28-04-2014, Miscellaneous-Provision 37 by Revenue and Land Reforms Department. He next submits that petitioner sought information under Right to Information Act regarding status of Land Acquisition Case No. 14/80-81, upon which petitioner was informed *vide* Letter No. 01, dated 06-01-2016, that neither award has been made in the name of the petitioner nor compensation has been paid to her. Learned counsel submits that petitioner filed representation dated 14-12-2015 before the District Magistrate, Patna to look into the matter since land was acquired and held by the State Government since 35 years without compensation. In spite of all these things, nothing has happened and petitioner has been running from pillar to post.



6. On the other hand, learned counsel for the State draws attention of this Court to the counter affidavit filed on behalf of the respondent Nos. 4 & 5. It is submitted that award for plot No. 52 has been made in the name of three persons, in which one awardee namely, Tapeswar Singh has already received the compensation amount, however, two other awardees did not receive the compensation amount and the detailed information under the RTI in this regard has already been given to the petitioner *vide* Letter No. 01 dated 06-01-2016 (Annexure-5 to the writ petition). It is next submitted that petitioner himself admits in this writ petition that she has purchased the land in question from the land owner, namely, Most. Dukhani & Tapeswar Singh on 28-07-1979, it is clarified that the letter No. 01 dated 06-01-2016 itself shows that the said Tapeswar Singh has already received the compensation amount for the plot No. 52.

7. Learned counsel for the petitioner, at this Stage, seeks liberty of this Court to file representation before the District Magistrate, Patna (respondent No. 4) and the Land Acquisition Officer, Patna (respondent No.5).

8. Learned counsel for the State next submits that petitioner may be given liberty to approach respondent No. 4



and respondent No. 5 by way of filing detailed representation, supported by affidavits.

9. Having considered the rival submissions canvassed on behalf of the parties, this Court deems it appropriate to direct the petitioner to file a detailed representation regarding redressal of his grievance, if any before the District Magistrate, Patna (respondent No.4) and the Land Acquisition Officer, Patna (respondent No.5) within a period of three weeks, whereafter the respondent Nos. 4 & 5 shall be under legal obligation to consider the grievance of the petitioner in accordance with law by passing a reasoned and speaking order within a period of six weeks from the date of receipt/production of a copy of this order.

10. With the aforesaid direction, writ petition stands disposed of.

(Rudra Prakash Mishra, J)

Raj Kishore/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	04-10-2024
Transmission Date	N/A

