

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16061 of 2024

=====

Soni Kumari Gupta W/o Dr. Anil Kumar R/o Mohalla- Old G.T. Road,
Aurangabad, P.O. and P.S. Aurangabad, District- Aurangabad (Bihar) at
Present Mohalla New Area, Dehri-on -Sone, P.O.- Dehri-on-Sone, P.S. Dehri,
District-Rohtas (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
2. The Collector, Aurangabad.
3. The Land Acquisition Officer, Aurangabad, P.O. and P.S.-Aurangabad, District-Aurangabad.
4. The Circle Officer, Aurangabad, District-Aurangabad.
5. Superintendent, Mandal Kara, Aurangabad P.O.Aurangabad,P.S.-Aurangabad (M), District-Aurangabad.
6. Executive Engineer, Building Division, Aurangabad.
7. The Deputy Collector, Land Reforms, Aurangabad.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Ms. Vagisha Pragya Vacaknavi
For the Respondent/s	:	Mr. K.P. Gupta, GP-10
		Ms. Deepanjali Gupta, AC to GP-10

=====

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 22-10-2024 1. Heard learned counsel for the petitioner and
learned AC to GP-10.

2. The learned AC to GP-10, at the outset, draws the
attention of the Court to Para 17 of the writ application wherein
it has been pleaded- “That the petitioner has also filed Title Suit
No. 309 of 2022 in the Court of Sub-Judge-I, Aurangabad for
declaration of her title and for removal of construction made
over the suit land by the respondents.”



3. The learned AC to GP-10 submits that the said submission, at the outset, has been made only for the reason that in the instant writ application, the petitioner has prayed for seeking compensation under the Land Acquisition Act, 2013 with respect to her land which she claims to have been usurped by the State in complete breach of the provisions of the Land Acquisition Act and without giving compensation. It is next submitted that in the present writ application, it has been pleaded that Laxmi Devi had purchased land pertaining to *Khata* No. 295, Plot No. 2720, Area-31 decimal and Plot No. 2721, Area-76 decimal beside other lands at village- Shahpur, P.S.-Aurangabad, District-Gaya, at present District- Aurangabad (Bihar) through registered sale deed No. 130787 dated 17.12.1958 from Nazmul Hoyda @ Nazmul Hoda as would manifest from Annexure-1. It is next submitted that thereafter the lands in question were mutated in the name of Laxmi Devi.

4. The learned AC to GP-10 further submits that it is settled principles of law that mutation does not give rise to title, it is submitted that the said submission has been made as it has relevance on adjudicating the instant writ application. It is further submitted that petitioner contends in the writ application that three land acquisition proceedings were started for



acquiring the lands for construction of jail building, Aurangabad against Ganesh Prasad Gupta, Raghubir Prasad Gupta and Laxmi Devi Gupta (mother of the petitioner) vide Land Acquisition Case No. 18 of 1989. It is submitted that Laxmi Devi Gupta got compensation for the land acquired but was not paid compensation in respect of the land comprising *Khata* No. 295, Plot No. 2720, Area-31 decimals and Plot No. 2721, Area-76 decimals.

5. The learned AC to GP-10, in sum and substance, submits that the case of the petitioner is that his mother got compensation of the land acquired but then compensation for Plot No. 2720, Area-31 decimals and Plot No. 2721, Area-76 decimals pertaining to *Khata* No. 295 was not given though it was acquired, on which the learned counsel appearing on behalf of the petitioner submits that the aforesaid two plots were never acquired rather were encroached by the State authorities for constructing the aforesaid jail building.

6. At this stage, the learned AC to GP-10 submits that pleadings made at Para-17 becomes relevant for the reason that the aforesaid Title Suit No. 309 of 2022 has been filed seeking declaration of title and removal of construction over the land which the petitioner claims to have been encroached, it is



submitted that in the event if the title suit is decided against the petitioner then what would happen. It is fairly submitted that if the title suit is decided in favour of the petitioner in that event the relief claimed in the instant writ application will become infructuous as the petitioner, as plaintiff in the suit, has prayed for removal of the construction made over the suit land. It is further submitted that in the event if the suit is dismissed, the prayer made in the writ application will not survive.

7. The learned counsel appearing on behalf of the petitioner, at this stage, submits that neither the sale deed of 1958 nor long standing mutation in the name of the petitioner's mother has been disputed.

8. Be that as it may, after considering the submissions made by the learned AC to GP-10, the Court is not inclined to entertain the writ application.

9. Accordingly, the instant writ application is dismissed.

(Satyavrat Verma, J)

Rishabh/-

U			
---	--	--	--

