

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18201 of 2024

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Manoj Kumar Son of Sant Lal Singh Resident of Ward No. 08 Mahiuddinpur
Rajwa, P.S- N.H Bangra, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through Principle Secretary, Department of Revenue and Land Reforms
2. The Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
3. The Collector, District- Samastipur
4. The District Land Acquisition Officer, District- Samastipur

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dharendra Kumar Jha, Advocate
For the Respondent/s : Mr. SC-8

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 10-12-2024 1. Heard learned counsel for the petitioner and learned AC to SC-8 for the State.
2. The defects, as pointed out by the office, are hereby ignored.
3. Learned counsel for the petitioner submits that the instant writ application has been filed seeking a direction upon the respondent authorities to make payment of appropriate and correct compensation amount for the lands in question which belonged to the petitioner which was acquired by the respondents for the purpose of construction of N.H. 119D within the district of Samastipur from 32 Kilometres to 65 Kilometres, further to direct the respondent authorities to re-assess the lands



of the petitioner acquired under the above project and treating the land to be as commercial in nature and pay compensation amount accordingly and further to direct the respondents to pay the petitioner adequate amount of statutory as well as penal interest over the compensation amount.

4. Learned counsel appearing on behalf of the State submits that from perusal of Annexure-3 to the writ petition, it would manifest that the Land Acquisition Officer, Samastipur had issued notice to the petitioner contained in memo no. 33 dated 07.01.2023 whereby the petitioner was directed to remain physically present in the office on 11.01.2023 along with all the relevant documents relating to the land so that an appropriate order may be passed. Learned State Counsel further submits that from perusal of the pleadings made in the writ application, it manifests that petitioner had earlier represented before the District Land Acquisition Officer by his representation dated 09.11.2022 when the notification was issued for acquiring the land in question (Annexure-1). It is next submitted that after the notice dated 07.01.2023 was issued by the District Land Acquisition Officer, Samastipur asking the petitioner to remain physically present along with relevant documents thereafter it appears that petitioner did not file any documents relating to the



land by way of an application or representation, though it has been pleaded at para 10 of the writ application that petitioner appeared on 11.01.2023 i.e. the date and time fixed by the District Land Acquisition Officer, Samastipur and submitted all his evidence in support of the fact that the land in question was in fact commercial in nature and requested them to change categorization of land of the petitioner acquired by them.

5. Learned counsel for the petitioner submits that after 11.01.2023 till date, the District Land Acquisition Officer, Samastipur has not taken any decision with regard to the objection filed by the petitioner that the land in question is commercial in nature and not a Bhith land.

6. Learned counsel appearing on behalf of the State submits that the basic principle of mandamus is demand and refusal and from perusal of the pleadings made in the writ application, it manifests that though petitioner earlier had given an objection in pursuance of the notification which was issued for acquiring the land but after the notice dated 07.01.2023 there is nothing on record except some photographs based on which it is being submitted that the photographs have been submitted before the authority for taking a decision. Learned State Counsel further submits that merely based on photographs the authorities



cannot take a decision. The petitioner ought to have filed an application bringing to the notice of the District Land Acquisition Officer that on what basis he is claiming that the land in question is of commercial category and not a Bhith land.

7. At this stage, learned counsel appearing on behalf of the petitioner submits that though he has submitted the photographs but again he will file a representation before the District Land Acquisition Officer for redressing the grievance as raised in the instant writ application.

8. After hearing learned counsel for the parties, the writ application is disposed of with a direction to the petitioner to file a detailed representation before the District Land Acquisition Officer on or before 27.12.2024 for seeking the relief as claimed in the instant writ application and if any representation is filed by the petitioner before the District Land Acquisition Officer, Samastipur on or before 27.12.2024 the District Land Acquisition Officer, Samastipur shall consider and dispose of the same within a period of three months thereafter.

(Satyavrat Verma, J)

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