

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18195 of 2023

1. Rabindra Jha S/o Lakcheshwar Jha Resident of Ward 9 (Dharm Shila Nivash), Thana Road, Rajbag Pupari, Janakpur Road, Sitamarhi (843320).
2. Malti Devi W/o Shambhu Nath Jha Resident of Ward no.-12, Village-Kharkha, P.O.-Kharkha, P.S.-nanpur, Boljara, Sitamarhi (843318)
3. Rita Jha W/o Pawan Kumar Jha Resident of Kharkha, Darbhanga (847302).
4. Sunita devi W/o Chote Thakur Resident of Ward 7 Bahurar, P.O. Dadri, Ward no.7, Bahurar, Sitamardhi (843333),
5. Rajesh Kumar Thakur S/o Vishwanath Thakur Resident of Block-Bokhara, P.S.-Nanpur, Vilage-Kurhar, P.O.-Dhadhi, Sitamarhi (83333)
6. Manju Gupta W/o Sanjay Kumar Resident of Balia House, Pupri, Janakpur Road, Sitamardhi (843320).
7. Nirbhay Kumar S/o Arun Singh Resident of Ward No. 2, Barhmaul, Sitamarhi (843333).

... .. Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Patna, Bihar
2. District Magistrate, Sitamarhi.
3. District Land Acquisition Officer, Sitamarhi.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Kumaresh Singh, Advocate
For the Respondent/s : Mr.Government Pleader (20)

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-02-2024 Mr. Kumaresh Singh, learned counsel for the petitioner submits that he is confining his prayer for the present to the petitioner no.1 Rabindra Jha reserving liberty to file separate petition on behalf of petitioner nos. 2 to 7.

2. Prayer is allowed.

3. This case is only confined to the petitioner no.1, Rabindra Jha and the names of petitioner nos. 2 to 7 be deemed



deleted.

4. Heard Mr. Lalit Kishore, learned Senior Counsel
for the petitioner no.1, Rabindra Jha and the State.

5. The petitioner has prayed for the following reliefs:

(i) for issuance of writ in that nature of Mandamus or any other appropriate writ or order for directing the respondents to quash proposal and entire action including any consequential action taken for acquisition of land situated at Mauja Bahera Zahidpur, Thana no. 187 Circle Office- Nanpur, District - Sitamarhi for the purpose of construction of Sub-Divisional Courts at Pupri, Sitamarhi;

(ii) for issuance of writ in that nature of Mandamus or any other appropriate writ or order for directing the respondents to consider and dispose of the representation dated 23.04.2023 of the petitioners in accordance with law for not acquiring the land situated at Mauja Bahera Zahidpur, Thana no. 187 Circle Office- Nanpur, District-Sitamarhi for the purpose of



*construction of Sub-Divisional Courts at
Pupri, Sitamarhi;*

*(iii) for issuance of writ in the nature of
Mandamus or any other appropriate writ or
order for directing the respondents not to
acquire the land situated at Mauja Bahera
Zahidpur, Thana no. 187 Circle Office-
Nanpur, District Sitamarhi for the purpose of
construction of Sub-Divisional Courts at
Pupri, Sitamarhi;*

*(iv) for issuance of writ in the nature of
Mandamus or any other appropriate writ or
order for directing the respondents to explore
other suitable and cost effective alternatives
to the above mentioned land acquisition for
the purpose of construction of Sub- Divisional
Courts at Pupri, Sitamarhi causing minimal
cost to the public exchequer and nil
displacement of people as a suitable and
vacant and barren land of 'Charwaha
Vidyalaya' belonging to Agricultural
Department, Govt. of Bihar which is well*



demarcated with boundary, admeasuring 8 acres (approximately), is situated at a mere distance of 2 km. from the proposed site of acquisition on the same State Highway no. 87 and is lying abandoned. If the same is acquired then not only the cost of acquisition would be nil but also there shall not be any displacement of any person;

(v) for issuance of writ in the nature of Mandamus or any other appropriate writ or order for directing the respondents to stay the process of land acquisition for land situated at Mauja Bahera Zahidpur, Thana no. 187 Circle Office- Nanpur, District - Sitamarhi for the purpose of construction of Sub-Divisional Courts at Pupri, Sitamarhi till the disposal of the present case;

(vi) for issuance of any other appropriate writ, order or direction which Your Lordships may deem fit and proper in the facts and circumstances of the case.

6. Learned Senior Counsel submits that he is the



land owner of the proposed site of acquisition situated at Mouza-Bahera Zahidpur, Thana No. 187 within the Circle office, Nanpur in the district of Sitamarhi which is being acquired for the purpose of construction of Sub-Divisional Courts at Pupri, Sitamarhi within the territorial jurisdiction of this Court. He submits that the petitioner is retired Government Serviceman who purchased the land recently and will become landless if the same is taken up. It is his submission that nearer to the said place, there is government land available and in that backdrop, the only contention is that the Collector, Sitamarhi should consider his representation and pass an appropriate order.

7. Learned State counsel submits that the matter has gone to second stage, still respondent no.2, the District Magistrate cum Collector, Sitamarhi shall take up the matter and pass a reasoned order if, an appropriate application is filed.

8. Taking into account the aforesaid limited prayer, the writ petition stands disposed of granting liberty to the petitioner no.1 Rabindra Jha to prefer petition before the Collector, Sitamarhi within a period of four weeks from today along with all the relevant documents.

9. If such representation is filed, the same shall be



taken up for consideration and after hearing all the necessary parties who he put on notice, an appropriate order shall be passed within a period of three months from the date of filing of the representation.

10. The writ petition stands disposed of.

(Rajiv Roy, J)

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