

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.876 of 2024

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1. Ram Sagar Sah Son of Late Juge Sah Resident of Ward No. 7, Moinddinpur Rajwa, P.S.- Tajpur, District- Samastipur.
 2. Ramvilas Sah Son of Late Badar Sah Resident of Ward No. 7, Moinddinpur Rajwa, P.S.- Tajpur, District- Samastipur.
 3. Mahendra Sah Son of Late Juge Sah Resident of Ward No. 7, Moinddinpur Rajwa, P.S.- Tajpur, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar.
2. The Principal Secretary Department of Revenue and Land Reforms Government of Bihar, Patna.
3. The District Magistrate District- Samastipur.
4. The District Land Acquisition Officer District- Samastipur.
5. The Anchal Adhikari Tajpur, District- Samastipur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Dharendra Kumar Jha, Advocate
For the Respondent/s : Mr. Rakesh Ranjan, AC to GP-22

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 09-05-2024 Heard the parties.

2. The present petition has been preferred for the following reliefs:

(i) for directing the Respondents authorities to make payment of an appropriate and correct amount of compensation for the lands in question that belonged to the petitioner which have been acquired under widening of the Ring Road to four lane, within the district of Samastipur;



(ii) for directing the respondent-authorities to re-assess the lands of the petitioner acquired under the above Project treating the lands to be a "Residential" nature of land and pay the compensation on the révised calculation of the acquired land;

(iii) for directing the respondent-authorities to make payment of adequate amount of interest over the compensation amount so calculated by the respondents.

3. The case of the petitioners is that pursuant to notification dated 26.10.2022 by the District Land Acquisition Officer, Samastipur, objections were sought for.

4. Accordingly, the petitioners appeared on 11.01.2023 and wanted the categorization of land to be declared residential. The grievance is that without considering the same, it was notified as 'Bhith-1'.

5. A counter affidavit on behalf of the respondent nos. 3 to 5 (the District Magistrate, Samastipur, the District Land Acquisition Officer, Samastipur as also the Circle Officer, Tajpur, Samaspur) is on record and paragraphs 7 to 14 read as follows:

"7. That it is humbly stated and submitted that the petitioners have claimed the compensation of the land which has been acquired by the government under



Bharatmala Pariyojna. Petitioner No. 1 claimed for area 20.5 decimal, Petitioner No. 2 claimed for area 33 decimal and 16.5 decimal and Petitioner No. 3 claimed for 20.5 decimal land bearing Khesara No. 231 situated under Mauza Chak Bangari, Thana No. 65, Anchal Tajpur, District Samastipur and further, the petitioners have claimed the compensation under the category of residential instead of "Bhith" Category.

8. That it is humbly stated and submitted that after objections of the petitioners in related to category of the aforesaid land, the respondent authorities has authorized two Amins namely Sri Suresh Mahto and Sri Vinod Kumar to conduct a complete onsite inquiry and submit their report within a week.

9. That it is humbly submitted that the aforesaid authorized amins has conducted a field inquiry of Khesra No. 231 and submitted their reports within time. Under their report it is clarify that on a part of the Khesra, a temporary structure has been made of the 'Tin' and 'Aswetas' and on a part, tobacco crop has been planted. This Khesra is adjacent to NH 28 and the residential house of the petitioners is at another place.

10. That it is humbly stated and



submitted that on the basis of the filed inquiry reports, the respondent authority has been changed the category as "Bheeth-1/Developing" from "Bheeth" of the aforesaid land vide order dated 11.02.2023.

11. That it is humbly stated and submitted that the award process is going on before the competent authority, in the light of aforesaid order dated 11.02.2023.

12. That it is pertinent to mention here that in field inquiry, it has clear seen that this temporary structure made of 'Tin' and 'aswestas or scrap' has been deliberately constructed in a part of aforesaid land by the petitioner with wrong intention to get more higher amount of the compensation.

13. That it is humbly stated and submitted that in the light of aforesaid facts and circumstances, the petitioner's land has not comes under the category of "residential" and the petitioner have not entitled to receive compensation in "residential category" to aforesaid land. Even though the category of the petitioner's land has been changed from 'Bheeth' to 'Bheeth- 1/Developing'.

14. That it is humbly stated and submitted that as per rule, the process of compensation under category as "Bheeth-1/



Developing" is going on. In view of the law, the claim of the petitioner is not sustained. Hence, the writ application may be disposed as dismissed."

6. A perusal of the paragraphs 9 and 10 would show that having found that the claim of getting it residential category is unfounded, they themselves have changed it from Bhith to Bhith-1/ (Developing) category vide an order dated 11.02.2023.

7. In that background, when the respondents have given reason for not putting the same under residential category, so far as the writ petition is concerned, no relief can be extended to the petitioners.

8. Learned counsel for the petitioners submit that though categorization have been made, the payments have still eluded them.

9. Learned State Counsel submits that if they approach before the competent authority alongwith all the relevant documents, steps shall be taken for paying the compensation amount.

10. Learned counsel for the petitioners submit that they will be approaching the concerned competent authority within next four weeks. In that case, the the respondent no. 4 shall see to it that the compensation amount comes to the



account of the petitioners, if he is satisfied with the documents submitted by them. The process be completed in four months.

11. The writ petition stands disposed of.

(Rajiv Roy, J)

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