

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11196 of 2017

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1. Mahendra Poddar
 2. Radhey Shyam Poddar Both Sons of late Surya Narayan Poddar Resident of Village- Sahpur, Ward No. 10, P.S. Sonbarsa, District- Saharsa.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Land Reforms Department , Govt. of Bihar, Patna.
3. The Principal Secretary, Rural Development Department, Govt. of Bihar, Patna.
4. The District Magistrate, Saharsa.
5. The Additional District Collector, Saharsa.
6. The Sub Divisional Officer, Saharsa
7. The Deputy Collector of Land Reforms, Saharsa.
8. The District Land Acquisition Officer, Saharsa.
9. The Executive Engineer, Rural Development Department , Saharsa.
10. The Circle Officer, Sonbarsa, District Saharsa.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh
For the Respondent/s : Mr.Sajid Salim Khan -Sc25

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 14-07-2025 Heard the parties.

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

“(A) For the issuance of appropriate writ/writs, order/orders, direction /directions to the respondent authorities to make payment or vacate the land of the petitioner No.1 of his land having Khata No.- 741/ Khesra No.- 3163 Area 9 decimal:



Khata No.- 690/ Khesra No.- 3176 & 5644 Area 5 decimal, Khata No. 881/ Khesra No. 3161 Area 5 decimal total 19 decimal and petitioner No.2 of his land having Khata No.-636/ Khesra No.- 3174 &3175 Area 7 decimal and compensation amount since the respondent authority without taking consent or acquisition the land of petitioners and make road constructed under Prime Minister Gramin Sadak Yojana of the said land.

B) For the issuance of appropriate writ/writs, order/orders, direction /directions to the Respondent authorities to take appropriate action on the application filed by the petitioners for compensation of the petitioners' land upon which the road under "Prime Minister Rural Road Planning (Prime Minister Gramin Sadak Yojana)" has been made forcibly by the respondent authorities from Shahpur Chowk to Lagmapatti without acquiring the land and without following the rules and regulation prescribed by the law for acquiring the land of any individual for public purpose.



(C) For any other relief/reliefs to which the petitioner is found entitled under the facts and circumstances of the present case.”

3. Pursuant to the last order, a counter affidavit has been filed on behalf of the respondent no.9, the Executive Engineer, Rural Development Department, Saharsa.

4. Mr. Sajid Salim Khan, learned State counsel has taken this Court to different paragraphs to submit that the payments have been made against the land which was acquired and the petitioners' name did not figure in the said list of raiyat published by the Circle Officer, Sonbarsa (Saharsa). In that background, they were not entitled to pay any compensation amount. He has further taken this Court to the subsequent paragraph to show that taking utmost precaution, a request letter has been sent by the office of answering respondents to the Circle Officer, Sonbarsa, Saharsa vide letter no. 1432 dated 09.07.2025 to get the land measured to come to a conclusion whether the land of the petitioners have been taken for the construction of road-bridge or not.

5. Learned State counsel submits that though they are convinced that no land has been taken for the said construction, they are ready to get the matter taken up once again/the same



measured in the presence of the petitioners as also the other stakeholders including the State respondents.

6. Since the Executive Engineer, Rural Department, Simri Bakhtiyarpur, Saharsa as also the petitioners are present, with the consent of the parties, a date i.e. 23.07.2025 is fixed for the said measurement process. Pursuant to the request letter of the Executive Engineer, the Circle Officer, Sonbarsa shall ensure that in the presence of all the officials, the land is correctly measured and each and every stakeholders must sign the document. The result of the said measurement will decide the future path of the petitioners/respondents.

7. If the petitioners are found entitled to the compensation, the entire process must be completed at an earliest and not after 31.12.2025.

8. With the aforesaid observation, the writ petition is disposed of.

9. It is made clear that the Circle Officer, Sonbarsa shall be issuing formal notices to all the stakeholders informing them that the measurement of the land is going to take place on 23.07.2025.

10. The Executive Engineer, Simri Bakhtiyarpur, Saharsa is present in the Court and has assisted for which this



Court puts on record its word of appreciation. His personal appearance stands dispensed with.

11. Pending Interlocutory Application(s), if any also stand(s) disposed of.

(Rajiv Roy, J)

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