

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15874 of 2018

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Ram Preet Singh @ Rampreet Mahto S/o Sri Sukan Singh R/o Vill-Belhi,
Battonha, P.S.-Jainagar, District-Madhubani.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Collector, Madhubani.
3. The District land Acquisition Officer, Madhubani.
4. Anchal Adhikari, Jainagar, Madhubani.
5. The Union of India through Commandant, 14th Battalion Jainagar,
Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Mohammad Sufyan, Adv. Mr. Thakur Brajesh Singh, Adv. Ms. Tooba Hera, Adv.
For the Respondent/s	:	Mr. Nutan Sahay, Aag12
For the Respondent (SSB):	:	Mr. Anshay Bahadur Mathur (C.G.C)

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 25-11-2025 Heard the parties.

That, this is an application under the writ jurisdiction of the Hon'ble Court for issuance of appropriate writ/ writs, order/ orders and direction to the respondent authorities to pay the adequate and fair compensation for the land/house of the petitioner acquired by the respondents for the purpose of Shashastra Surakcha Bal (SSB) near the Indo-Nepal Border vide 4/12/2004. notification dated and be further pleased to issue



direction to the respondents authorities to determine the market value of the land of the petitioner as well as house and other immovable property or assets attached to the land and pay compensation under the Right to fair compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

2. The matter relates to notification no. 15/DNA, Madhubani-27/04-1750 published on 04.12.2004 relating to acquisition of land for Shashastra Surakcha Bal (henceforth, for short 'the SSB'). The land of the petitioner stand in village Balhi under Thana and Circle, Jaynagar (2.48 acres) also came into that acquisition.

3. The petitioner being aggrieved by the said acquisition moved before this Court in CWJC No. 1289 of 2005 (Ram Preet Singh @ Mahto & Ors. vs. The State of Bihar & Ors.). It came to be disposed on 20.08.2008 by the writ court by which allowing the writ petition, direction was given to restore the petitioner's possession on the land in question forthwith. (Annexure -3 to the petition).

4. Aggrieved by the said order of the writ court, both the State as well as the Union of India moved in appeal vide



LPA No. 286 of 2009 (The State of Bihar vs. Ram Preet Singh @ Mahto & Ors.) and LPA No. 406 of 2009 (The Union of India vs. Ram Preet Singh @ Mahto & Ors.).

5. It was taken up by the Division Bench headed by the then Hon'ble the Chief Justice and vide an Order dated 31.08.2009, the order of the writ court was set aside with the observation that 'the writ court' exceeded the known parameters of jurisdiction under Article 226 of the Constitution taking note of the fact that the land which has been acquired for establishing the outpost of 'the SSB' is an administrative decision. It was further observed that the SSB is a semi para-military force found for patrolling Indo-Nepal border hence, it has the discretion to select the land which would be suitable for it purpose, the matter is within the sole discretion of the requisitioning authority (Annexure – 4 of the petition).

6. The petitioner thereafter slept over the matter for more than a decade and in the year 2018, has preferred the present petition with the prayer for a direction upon the respondents to pay adequate and fair compensation.

7. Both the Union of India as well as the State Government have filed their respective counter affidavits. The counter affidavit of the State Government (respondent no. 2 to



4) duly signed by the Circle Officer, Jaynagar is on record. Learned State counsel has taken this Court to paragraphs 14 to 17 to submit that notices have repeatedly been sent to the petitioner to come with the documents so that further steps is/are taken for the payment of the compensation. However, they refused to receive the compensation amount which followed the repeated notices.

8. So far as the submission related to change of category is concerned the contention is that the petitioner ought to have moved before the competent court under **Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013** (henceforth for short 'the 2013 Act').

9. The counter affidavit of the Union of India is more or less moves on the same facts and their stand is that all the payments have been made to the competent authority. 'The SSB' has been established after the land was acquired in the year 2003-04, and as such 'the 2013 Act' is not applicable and the compensation amount of the petitioner has already been determined which they have not taken.

10. The entire facts have been recorded to show that pursuant to the order passed by the Division Bench in LPA No.



286 of 2009 and LPA No. 406 of 2009, the petitioner ought to have approached the competent authority and submitted his claim after receiving the notice but according to the learned State counsel they failed.

11. The land acquisition took place in the year 2003-04, 'the SSB' is fully established there and doing the duty which it has been assigned. The record shows that the petitioner chose to look over the other way every time the notices were issued and in that background, it is difficult to extend any relief to him.

12. Learned counsel for the petitioner at this stage submits that he shall be approaching the concerned court under Section 64 of 'the 2013 Act'.

13. If such petition is preferred within eight such weeks, the concerned court shall take into account the fact that the petitioners were pursuing the matter before this Court since the year 2018 while dealing with the limitation petition.

14. With the aforesaid observation, this writ petition is disposed of.

(Rajiv Roy, J)

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