

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11266 of 2017

1. Vijay Singh S/o Late Krishna Singh,
2. Kamlesh Singh, S/o Late Shiv Prasad Singh.
3. Mukesh Kumar, S/o Late Ram Pratap Singh, All are resident of Village-Bhusaula Danapur P.S.- Phulwari Sharif, District- Patna.
4. Raj Kumar, S/o Late Ramjivan Singh.
5. Subodh Kumar, S/o Sri Tej Narayan Singh.
6. Pramod Kumar, S/o Sri Tej Narayan Singh, All are resident of Village-Bochachak, P.S. Phulwari Sharif, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Secretary and Commissioner, Land Reforms and Revenue Deptt. Govt. of Bihar, Patna.
3. Collector, Patna.
4. District Land Acquisition Officer, Patna.
5. Union of India, through D.R.M East Central Railways Ministry of Railways, Hajipur.
6. Chief Engineer, Construction East Central Railways, Hajipur.
7. Dy. Chief Engineer, Construction East Central Railways, Danapur, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ajatshatru, Adv.
For the Respondent/s : Mr.Rishi Raj Sinha-Sc19

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-04-2025 Heard the parties.

2. The present petition has been filed for:-

*“ issuance of a writ in the nature of
MANDAMUS or any other appropriate writ or
order or direction to respondent authorities to
pay the compensation / Award from the date of
possession 25.5.2007 along with statutory*



interest as well as penal interest for taking the possession of the rayati land of petitioners, forcibly, appertaining of plot no. 1534, Khata no. 470, measuring area approximately 0.49 acre of Thana no. 40 of Mauza Bhusaula Danapur, P.S. Phulwari Sharif, District Patna, without following the acquisition process as per Land Acquisition Act 1894 [Here in after mentioned as "The Old Act"], And be further pleased to issue a writ in the nature of MANDAMUS or any other appropriate writ or order or direction to respondent authorities to pay the compensation / Award of the land in question treating the nature of said land as "residential", And be further pleased to issue any further direction/ directions to the respondents to acquired the said plot following the provisions contained in section 30, 40, 69, 80 & 96 of "Right to Fair Compensation and Transparency In Land Acquisition, Rehabilitation and Resettlement Act", 2013 [Here in after mentioned as "The Act") and pay the compensation from the date of possession of the plot, and be further pleased to issue any further direction/ directions to the respondents in view of the facts and circumstances of this case."

3. A counter affidavit has come on behalf of State-



respondent duly signed by the Additional Land Acquisition Officer, Patna, according to which, so far as the plot in question of the petitioners is concerned, after initiation of land acquisition process, the decision for payment of compensation shall be taken.

4. The counter affidavit is of the year 2017, it was never served upon the petitioners' counsel and there is no subsequent supplementary counter affidavit to show the further development in the matter.

5. This Court has repeatedly observed that non supply of the counter affidavit to the petitioner's counsel affects the disposal of the case as the petitioner is unable to rebut/reply to the averments made by the State.

6. Today on call, the copy has been served and in that background, the State counsel Office is required to pay a cost of Rs. 1000/- to the Patna High Court Legal Services Committee and the receipt has to be filed in the office in next one week.

7. So far as the claim of the petitioners is concerned, in view of the said statement and no further counter affidavit on the development that has taken place and even the petitioners are not in a position to submit the ground realities, it would be appropriate that they prefer appropriate petition before the



respondent no.4- the District Land Acquisition Officer, Patna in next four weeks.

8. It the said representation/petition along with order is/are filed, the respondent no.4- the District Land Acquisition Officer, Patna shall be duty bound to take the matter to its logical conclusion and if the petitioners are found entitled for compensation and the land has/have been acquired, are further entitled for the payment.

9. The writ petition stands disposed of.

(Rajiv Roy, J)

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