

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14951 of 2017

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1. Mir Md. Musha Son of Late Md. Abdul Gaffur,
 2. Mir Md. Isha @ Md. Isha, Son of Late Md. Abdul Gaffur, Both resident of Village and P.O.- Kansi, P.S.- Simri, District- Darbhanga.

... .. Petitioner/s

Versus

1. The Union Of India
2. The Secretary, Ministry of Surface Transport and National Highway, Government of India, New Delhi.
3. The Chairman, National Highway Authority of India, Plot No.- G-5 and 6, Sector- 10, Dwarka, New Del
4. The Chief General Manager-cum-Regional Officer, National Highway Authority of India, D-63, First Fl
5. The Project Director, Office of National Highway Authority of India, C/o Shri S.N. Mishra, Professo
6. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
7. The Principal Secretary, Department of Revenue and Land Reforms Land Acquisition, Government of Bi
8. The District Magistrate, Darbhanga, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Jagjit Roshan, Advocate
For the Respondent/s : Mr.Raj Kishore Roy -Gp18

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 29-04-2025 Heard the parties.

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

(i) issuance of writ or writs in the nature of mandamus directing and commanding the Respondents to make payment of due amount of compensation to the petitioners



*in the light of the order dt. 09.10.2013
passed by Project Director, National
Highway Authority of India in compliance
of the direction given by this Hon'ble High
Court vide order dt. 11.07.2013 in C.W.J.C.
No-6749 of 2013;*

*(ii) issuance of writ or writs in the nature
of mandamus directing the Respondents to
complete all formalities for the payment of
compensation of lands which are not in
dispute;*

*(iii) grant any other relief or reliefs to
which the petitioner may found entitled to
in the facts and circumstances of this case.*

3. A counter affidavit on behalf of respondent nos. 1
to 5 (National Highway Authority of India) is on record and it
is worth mentioning paragraph-10 which read as follows:

*10. That with regard to the averments
made in paragraph no- 21 & 22 of the
writ application it is stated that from
perusal of letter dated 01-12-2016
(Annexure-6) it is clear from the*



*findings of the respondent no-8 (Collector Darbhanga) that the petitioners are claiming their raiyati title over the plot no-76,77 & 20 of the acquired land on the basis of an order passed u/s 106 B.T.Act but they are not having the decree of the said order. Secondly, it is further mentioned in the said order that **the petitioners are not having the copy of khatiyani i.e records of right nor they are having any paper of mutation and rent receipt.***

In view of the above facts it is apparent that the petitioner are having no title over the plot no-76,77 & 20 and they have filed the present writ application with dishonest intentions for payment of compensation of the Govt. land and due to this fact they have deliberately not made the District Land Acquisition Officer as party to the present writ application.



3. This counter affidavit was filed in the year 2017 after service of copy to the learned counsel for the petitioners and there is no rebuttal to the said fact even eight years later.

4. In that background, no claim whatsoever of the petitioners can be entertained, they will have to move before the competent Court for getting the title of the land in question.

5. The writ petition is dismissed.

(Rajiv Roy, J)

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