

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11093 of 2017

Birsen Singh

... .. Petitioner/s

Versus

The State Of Bihar and Ors

... .. Respondent/s

Appearance :

For the Petitioner/s : None

For the Respondent/s : Mr. Dhurjati Kumar Prasad, GP-14

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 01-12-2025 No one appears on behalf of the petitioner though
State is present.

2. The present application has been preferred:

*for issuance of a writ of mandamus
or any other writ or order or direction to
command and ordain the respondent not to
encroach upon any portion of plot no. 711
appertaining to Khata no. 14 of Mauza-
Gopalpur, Thana no. 159 of Thana- Koilwar,
District- Bhojpur and confine to a portion of
plot no. 710 as measuring 0.135 acre
covered by undated Award no. 1 in Land
Acquisition no. 23/2012-13 which has been
acquisitioned by information sent under
section 12 (2) of the Land Acquisition Act
and also to pay the actual compensation
corresponding to the present market value of
the land particularly in the vicinity of all
other benefits flowing from law.*



3. Learned State Counsel has take this Court to paragraph 6 of the counter affidavit filed on behalf of the respondent nos. 1, 3 and 4 (copies served upon learned counsel for the petitioner on 23.01.2020) which read as follows:

6. That it is pertinent to state here that most of the Sakkadi-Nasriganj Road (SH-81) has been completed and the compensation amount of acquired land has been paid to the respective land owners, however, in course of the completion of the road, it has overcome that for some portion of the road, certain land portions falls within the Raiyati land, acquisition of the land is needed and after such recommendations from Circle Officer of Koilwar, Sandesh, Agiaon, Sahar in District Bhojpur a total area of 3,424 Acre has been notified for acquisition of land under Section 11 (1) of the 'Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 (herein after RFCTLARR Act, 2013) and notices have been issued to all concerned under Section 11(1) of the Act and the Notification includes the land of the petitioner as Circle-Koilwar, Revenue village-Gopalpur, Thana-159, Khesra No.710 & 714 having area 0.154 Acre and



0.05 Acre respectively and as such, the land in question in the writ application and as specified in the Notification contained in dated 27.06.2018 and declaration contained on 05.11.2018 issued by the Revenue and Land Reforms Department, Government of Bihar are under land acquisition process and as such, the matter is not concerned with the removal of encroachment.

4. Further, the counter affidavit of respondent no. 7 in paragraph 6, it has been incorporated that the petitioner ought to have moved before the Competent Authority under Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Settlement Act, 2013. Again, the copy was served upon the learned counsel for the petitioner on 29.08.2018.

5. However, since there is no representation nor any rebuttal has been filed, in that background, the writ petition is dismissed for non-prosecution.

(Rajiv Roy, J)

Vijay Singh/-

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