

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2665 of 2025

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Ramanand Prasad son of late Rewat Mahto, Resident of Rewati Apartment,
Plot No.- 602, Kajipur Quarter, Plot No.- 602, Kajipur Quarter, P.S.-
KadamKuan, Distt.- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Distt. Magistrate, Patna.
2. The Distt. Magistrate -cum- the Collector, Patna.
3. The Distt. Land Acquisition Officer, Patna.
4. The Addl. Distt. Land Acquisition Officer, Patna.
5. The Deputy Collector Land Reforms, Patna.
6. The Circle Officer, Patna Sadar, Patna.
7. The Chief Engineer, Road Construction Department, Patna Division, Patna.
8. The Secretary, Road Construction Department, Patna Division, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Devendra Kumar, Advocate
For the Respondent/s : Mr. Standing Counsel (11)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 25-02-2025 Heard Learned Counsel for the petitioner and Learned
Counsel for the State.

2. Learned Counsel for the petitioner submits that in
the prayer portion due to inadvertent typing mistake Raipur has
been typed in place of Ranipur.

3. Learned Counsel for the petitioner is directed to
correct the same in course of the day.

4. The present writ petition has been filed directing
the respondent authorities to make compensation to the
petitioner at the current market rate for the construction of



widening of Patna by-pass road over the raiyati land appertaining to Khata No.736, Khesra No.2813, area 11.5 decimals, situated at Municipality Survey Ward No.25, Thana No.19, Mauza Ranipur Chakmilki, District- Patna.

5. Learned Counsel for the State has raised preliminary objection and submits that it is a unique case in which petitioner has moved with the same relief third time before this Hon'ble Court. For the first time he moved in CWJC No.1810 of 2012 before this Hon'ble Court which was dismissed on 31.01.2012 by Hon'ble Mr. Justice Prakash Chandra Verma on the ground that Claim of compensation has been raised for the acquisition made admittedly in the year 1955-56 and Claim is highly dilapidated for which no explanation for delay and laches has been given. Secondly, the petitioner moved in CWJC No.10750 of 2012 in which final order has been passed on 20.09.2013 with a specific direction to the respondent and, subsequently, an M.J.C. Case No.1362 of 2014 (arising out of CWJC No.10750 of 2012) was filed in which vide order dated 23.11.2016 the contempt application was dismissed granting opportunity to the petitioner to take recourse to the appropriate proceeding in accordance with law. From the order dated 23.11.2016, it also transpires that the petitioner



sought permission to withdraw the contempt application so that he may pursue the matter in duly constituted proceeding including a suit as may be advised. This order has been passed in 2016 and, thereafter, the petitioner has sat over the matter.

6. Upon the specific query of the Court that whether the petitioner has moved in the Civil Suit. He submits that he has not moved in the Civil Suit and after lapse of about 9 years he has filed fresh writ petition bearing CWJC No.2665 of 2025.

7. Learned Counsel for the petitioner submits that he seeks permission to withdraw the writ petition with a view to avail the remedy of suit.

8. This Court cannot grant that liberty of withdrawal due to the reason that limitation for filing the suit is only three years whereas in the present case nine years have already elapsed and, therefore, this writ petition is dismissed.

(Dr. Anshuman, J)

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