

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6094 of 2019

Pradeep Kumar Singh S/o Late Shiv Shankar Prasad Singh Resident of
Village Bounsi P.S Bounsi ,District Banka

... .. Petitioner/s

Versus

1. The State Of Bihar Through the Principal Secretary ,Rural Engineering
Department Patna
2. The Collector, Banka
3. The Deputy Development Commissioner, Banka
4. The Executive Engineer -II Rural Work Division Banka
5. The Anchal Adhikari Bounsi District Banka
6. The B.D.O Bounsi, District Banka

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar, Advocate Mr. Mritunjay Prasad Singh, Advocate
For the State	:	Mr. Sudhir Kumar Upadhyay (AC to GP-7)

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 08-05-2025 Heard Learned counsel for the petitioner and Learned
counsel for the State.

2. The present writ petition has been filed for commanding the respondent authority not to encroach the land to make construction of road over the ancestral land of petitioner appertaining to Khata No.127, Plot No.195, Area 3 acres situated in village- Bounsi, Thana No.419, Anchal Bounsi, Block- Bounsi, District- Banka. Further prayer has been made for commanding the respondent authorities to make the road in question by the side of petitioner's plot no.195 without change its size, shape and nature. Further request has been made to left



out the petitioner's land plot no.195 as per boundary and thereafter to construct the road.

3. Learned counsel for the petitioner submits that I.A. No.1/2019 has been filed on which the Co-ordinate Bench of this Court has passed order *vide* order dated 05.04.2019 and allowed the said I.A modifying the subject matter of the writ petition from Land Encroachment to Land Acquisition.

4. Learned counsel for the State submits that counter affidavit has been filed and as per the pleadings made in the counter affidavit, the stand taken by the State that the land in question situated on Khata No.127, Plot No.195, Area 54 decimals is *Gair Majarua Khas* land and it is not the petitioner's land. Counsel submits that since, the land belongs to the *Gair Majarua Khas* and it is not of the petitioner, therefore, petitioner shall not be entitled for any compensation under the land acquisition.

5. In the light of the present facts and circumstances that the dispute has arisen on the point of title relating to the land in question appertaining to Khata No.127, Plot No.195, situated in village- Bounsi, Thana No.419, Anchal Bounsi, District- Banka and until and unless, the right title interest shall not be decided on the said land, no compensation could be



granted to the petitioner under the land acquisition.

6. As such, the present writ petition stands disposed off directing the petitioner to file representation before the Collector, Banka (Respondent no.2) and Respondent no.2 is directed to verify the documents of the petitioner in the light of बिहार सरकार, राजस्व एवं भूमि सुधार विभाग संकल्प संख्या-6/खा0 म0 विविध (ब0 मालिक)-01/2013-925(6)रा0, दिनांक: 11.11.2014 and pass a reasoned and speaking order within 90 days from the date of production of the petitioner's representation along with the order passed by this Court. If, it has been found that land belongs to the petitioner then in that case, the process for making compensation be initiated in favour of the petitioner.

(Dr. Anshuman, J)

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