

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7564 of 2021

1. Shambhunath Tiwari son of Late Gupteshwar Tiwari resident of village - Sinha, police Station - Krishnagarh (Barahara), District- Bhojpur.
2. Satyanarain Tiwari son of Late Shiv Pujan Tiwari resident of village - Sinha, police Station - Krishnagarh (Barahara), District- Bhojpur.
3. Janardan Tiwari son of Late Bharat Tiwari resident of village - Sinha, police Station - Krishnagarh (Barahara), District- Bhojpur.

... .. Petitioners

Versus

1. The State of Bihar through its Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Govt. of Bihar, Patna.
3. The Principal Secretary, Revenue Department, Govt. of Bihar, Patna.
4. The Divisional Commissioner, Patna Division, Patna.
5. The District Magistrate, Bhojpur at Ara, District- Bhojpur.
6. The District Land Acquisition Officer, Bhojpur, at Ara, District- Bhojpur.
7. The Circle Officer, Block Barahara, District- Bhojpur.

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Makardhwaj Upadhyay, Adv.
For the Respondent/s : Mr. Rishi Raj Sinha, (SC-19)

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 23-09-2025 The instant writ application under Article 226 of the Constitution of India has been filed by the petitioner seeking following reliefs:-

i) For issuance of writ in the nature of certiorari setting aside/quashing the notice dated 29.06.2019 contained in annexed-1 and notice dated 20.06.2020 contained in annexure-2 respectively issued against the dead persons by District Land Acquisition Officer, Bhojpur, Ara in Land Acquisition Case No. 06/2011-12 whereby and whereunder the Lands pertaining to mauza Sinha,



Thana No.48, Khata No.483, Kheshra No.3568, Area 0.48 acres(49 decimal) has been directed to be acquired without hearing or affording opportunity of hearing to the petitioners or any other notice if so issued by the respondents also be set aside upon production of the same.

ii) For issuance of writ in the nature of writ of mandamus directing of respondents not to proceed with the process of acquisition as the land in question is the residential house of the petitioners as well as the building consists of several shops rented out to several persons, which are means of livelihood of the petitioners as well as the renters.

iii) For issuance of appropriate writ/s including a writ in the nature of certiorari quashing the entire land acquisition process initiated through Land Acquisition Case NO. 06/2011-12 presently pending before Land Acquisition Officer, Bhojpur, Ara.

iv) For issuance of any other appropriate writ(s), order(s) and direction(s) for which the petitioners may be found, entitle to under the law and in the facts of the case.

2. Heard Mr. Makardhwaj Upadhyay, learned counsel appearing for the petitioners and Mr. Rishi Raj Sinha, learned SC 19 for the State-respondents and perused the relevant materials annexed to this petition and also gone through the averments made in the petition.

4. The main grievance raised by the petitioners in this writ petition is that the process for acquisition of the petitioners'



land had been started in the year 2011-12 and in this regard, an award (annexure-1) was also prepared by the District Land Acquisition Officer, Bhojpur but in the name of deceased persons, who were the ancestors of the petitioners, without giving any information to the existing legal heirs (petitioners) and after getting the knowledge of the preparation of the award, the petitioners approached the District Land Acquisition Officer by filing a petition dated 21.01.2021 (Annexure-3) which is still pending.

5. Considering the aforesaid grievance raised by the petitioners, the District Land Acquisition Officer, Bhojpur (respondent no. 6) where the petitioners' representation cum application dated 21.1.2021 is still pending, as stated by the petitioner's counsel, is directed to look into the petitioners' application at annexure-3 and take necessary legal steps as per the provisions of Bihar Land Acquisition (Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement) Act, 2013 and dispose of the same at the earliest, preferably, within eight weeks from the date of receipt/production of a copy of this order.

6. Accordingly, with the aforesaid direction this writ petition stands disposed of.



7. Petitioners’ counsel will have liberty to file a fresh
a representation before the District Land Acquisition Officer,
Bhojpur giving the complete details with regard to their prayer
as well as with relevant documents in support of their claim.

(Shailendra Singh, J)

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