

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11049 of 2021

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Ramdev Darve, Son of Late Bhangi Darve, resident of Village and P.O. - Bihariganj, Ward No. 4, Police Station- Bihariganj, District- Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Chief Secretary, Government of Bihar, Old Secretariat, Patna.
2. The Principal Secretary Department of Revenue and Land Reforms, Government of Bihar, Patna.
3. The Director, Land Records and Management, Government of Bihar, Patna.
4. The District Magistrate- cum- Collector, Madhepura.
5. The District Land Acquisition Officer, Madhepura.
6. The Additional Collector - cum - The Additional District Magistrate, Madhepura.
7. The Deputy Collector Land Reforms, Madhepura.
8. The Principal Secretary, Road Construction Department, Government of Bihar, Patna.
9. The Circle Officer, Bihariganj, District- Madhepura.
10. Maheshwari Darve, Son of Late Anuplal Darve, resident of Village and P.O. - Bihariganj, Ward No. 4, Police Station- Bihariganj, District- Madhepura.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Lakshmindra Kumar Yadav, Adv. Mr. Prabhu Narayan Prabhakar, Adv.
For the Respondent/s	:	Mr. Ebadur Rahman Shakeb, AC to AAG-12

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

8 04-12-2025 The instant writ petition has been filed by the petitioner under Article 226 of the Constitution of India seeking the following reliefs :-

“(i) For issuance of an appropriate order, direction or writ in the nature of MANDAMUS commanding the respondents to make payment of compensation amount of the part of the 14 Decimal land of Mauza-Bihariganj, Khata- old- 250, new-753,



Khesra No.898, New-775 out of total area-16 Decimal under Circle + P.S.-Bihariganj, District-Madhepura with interest.

(ii) For further issuance of an order, direction to concerned authority to restrain respondent No.10 from encroaching part of the land of petitioner that is 2 Decimal land of Mauza-Bihariganj, Khata Old-250, new-753, Khesra old-898, New-775 total area out of 16 Decimal land under Circle + P.S. - Bihariganj, District-Madhepura.

(iii) For any other relief or reliefs for which the petitioner may be found entitled in the facts and circumstances of the case.”

2. Mr. Lakshmindra Kumar Yadav, learned counsel for the petitioner and Mr. Ebadur Rahman Shakeb, learned AC to AAG-12 for the State-respondents, are present and they are heard.

3. The main grievance raised by the petitioner in this writ petition is that out of his 16 decimals of land situated in Mauza -Bihariganj, Khata old -250 (new -753), Khesra old 898 (new-775) under Circle & P.S. - Bihariganj, Dist -Madhepura, 14 decimals have been acquired for the construction of State Highway-91 by the concerned authority but he has not been given compensation for the said 14 decimals land and in respect of his 2 decimals land of the said plot, the private respondent No. 10 is trying to encroach upon his land.



4. Learned AC to AAG-12 appearing for the State-respondents submits that it is an admitted position that the land in question is shown in the revenue records as being recorded as *Anabad Bihar Sarkar* in *Continuous Khatiyan* and the Jamabandi earlier created in favour of the petitioner has been cancelled, so, due to this reason, the petitioner's prayer for compensation has not been entertained by the Government authorities.

5. After having heard both the sides, this Court is of the view that as the Jamabandi concerning to the land in question, which earlier stood in the name of the petitioner, has been cancelled and the said cancellation order is under challenge before the District Collector, Madhepura (respondent No. 4), by way of an appeal bearing Jamabandi Cancellation Appeal No. 03/2024, so, before deciding the question of petitioner's title in respect of the land in question, the petitioner can not claim to get compensation in respect of the land which has been acquired and he should pursue his appeal which is pending before the District Collector, Madhepura (respondent No. 4). Accordingly, at this stage this Court is not persuaded to invoke its writ jurisdiction to address the petitioner's grievance, **so, it stands disposed of, with giving the petitioner a liberty**



to pursue his appeal and raise all the issues relevant to the legality of cancellation of the Jamabandi before the District Collector, Madhepura (respondent No. 4).

6. The petitioner will also have the liberty to file a suit for declaration of his title in connection with the land in question. If the petitioner’s title is declared by the competent civil court then the petitioner’s right to get the compensation in respect of the land, which has been acquired, will not be affected by this order and he will have the right to initiate a fresh proceeding for granting him compensation by filing an application before the competent Government authorities.

(Shailendra Singh, J)

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