

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7696 of 2025

1. Ram Manohar Singh son of Late Devdhari Singh, resident of Pitambar Nagar, P. O. and P. S.- Bihta, District- Patna-801103.
2. Madan Singh son of Late Rajdeo Singh resident of village and P. O.- Bishunpura, P. S.- Bihta, District- Patna-800111.
3. Raju Kumar son of Sri Shiv Kumar Singh, resident of village- Narainpur Shepurwa, P. O.- Madhopur, P. S.- Maner, District- Patna-801108.
4. Baby Devi wife of Sri Kamla Singh resident of village- Pitambar Nagar near Police Station, P. O. and P. S.-Bihta, District-Patna-801103.
5. Bachchu Prasad son of Late Ram Ishwar Singh, resident of village- Khedalpura, P. O. and P. S.- Bihat, District- Patna-801103.
6. Ram Ayodhya Singh son of Late Ram Adhar Singh, resident of village and P. O.-Bishanpura, P. S.- Bihta, District- Patna-800111.
7. Uma Shankar Prasad son of Late Tulsi Singh, resident of village- Shiv Shakti Nagar, P. S.- Bihta, District- Patna-801103.
8. Nitu Devi wife of Late Sunil Kumar Singh, resident of village and P. O.- Sadisopur, P. S.- Bihta, District- Patna-800111.
9. Yogendra Prasad Singh son of Late Trilok Singh, resident of village and P. O.-Bishunpura, P. S.- Bihta, District- Patna-800111.
10. Jitendra Kumar Singh son of Late Sahdul Singh, resident of village and P. O.-Bishunpura, P. S.- Bihta, District- Patna-800111.
11. Bipin Kumar Singh son of Late Shiv Kumar Singh, resident of village- Korhar, P. O. and P. S.- Bihta, District-Patna-801103.
12. Vijay Kumar Sinha son of Late Ram Anup Singh resident of village and P. O.-Bishunpura, P. S.- Bihta, District-Patna-800111.
13. Anand Mohan Dubey son of Late Rambhawan Dubey, resident of village- Bishambhar P. O. and P. S.- Bihta, District-Patna.
14. Neelam Singh wife of Binay Singh, resident of 103 Gokul Nagar, village- Kanchanpur, P. O.-DL W, Bhikharipur, Varanasi (U. P.) Pin code-221004
15. Punam Singh wife of Bipin Singh, resident of village- Bishunpura, near Paani Tanki, P.O. and P. S.- Bihta, District- Patna-800111.
16. Motijhari Devi wife of Lal Babu Giri, resident of village- Srirampur, P. S.- Bihta, District- Patna-801103.
17. Niraj Kumar Singh son of Birendra Prasad Singh, resident of village and P. O.-Bishunpura, P. S.- Bihta, District- Patna-800111.
18. Raj Kumar Singh son of Late Ram Brit Singh, resident of village- Bishunpura, P. O.- and P. S.- Bihta, District- Patna-800111.
19. Someshwar Prasad Singh son of Late Muneshwar Singh, resident of village and P. O.- Bishanpur, P. S.- Bihta, District-Patna-800111.

... .. Petitioner/s

Versus



1. The State of Bihar through the Additional Chief Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
2. The District Magistrate, Patna.
3. The District Land Acquisition Officer, Patna.
4. The Circle Officer, Bihta, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Lal Mani Sharma, Advocate
For the Respondent/s : Mr. AC to SC-8

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 16-05-2025 1. Heard learned counsel for the petitioners and learned AC to SC-8 for the State.

2. Learned counsel appearing on behalf of the petitioners submits that the land in dispute pertains to Khata No. 473, Thana No. 53, Khesra No. 1935, Tauzi No. 2599, Mauza Mahadevpur Fulari, Bihta. It is further submitted that the land belongs to Brij Mohan Singh and others who were the owner (malik) of the land. It is next submitted that the land in dispute on partition came in the share of Narayan Singh and, accordingly, Tauzi No. 2599 was created. It is also submitted that petitioners are purchasers of the land from different landholders and most of the petitioners, after purchasing the land, got the land mutated in their name and are doing commercial activities over the land. It is submitted that for construction of an inspection Bungalow some portion of the land was acquired vide L.A. Case No. 34 of 1961-62 and



compensation was given to three landholders, namely, Sri Rajnath Singh, Sri Ram Chandra Singh and Sri Ram Karan Singh.

3. Learned counsel for the petitioners submits that all of a sudden authorities descended on the land and demolished about 10-12 feet of the house and shop of all the petitioners, as such, petitioners were taken a back and thereafter on inquiry they came to know that for construction of an elevated corridor the construction has been demolished. It is further submitted that at para 22 of the writ application, it has been specifically pleaded that the respondent authorities again came on the land of the petitioners and put demarcation about 20-25 feet inside the construction of the commercial house of the petitioners for demolition of the construction for the purposes of constructing the elevated corridor.

4. Learned counsel for the petitioners submits that right to property is not a fundamental right but then is a constitutional right and the same cannot be taken away except in accordance with the procedure established by law. It is further submitted that petitioners will not come in the way of development but then if the authorities intend to take away their land for the purposes of constructing the elevated corridor, in



that event the authorities will have to acquire the land and compensate the petitioners in terms of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

5. At this stage, learned counsel appearing on behalf of the State submits that the writ application can be disposed of with a liberty to the petitioners to file a detailed representation before the District Magistrate-cum-Collector, Patna for redressal of their grievance as raised in the instant writ application.

6. After hearing the learned counsel for the parties, the writ application is disposed of with a liberty to the petitioners to file a detailed representation before the District Magistrate-cum-Collector, Patna annexing all the relevant documents relating to the land establishing their title and possession over the same on or before 05.06.2025. If any representation is filed by the petitioners on or before 05.06.2025, in that event the District Magistrate-cum-Collector, Patna shall consider and dispose of the same within a period of three months thereafter after giving an opportunity of hearing to the petitioners.

7. It is made clear that till the representation of the petitioners is not disposed of by the District Magistrate-cum-



Collector, Patna till then no coercive action shall be taken against the petitioners.

8. It is further made clear that till the representation of the petitioners is not disposed of by the District Magistrate-cum-Collector, Patna till then no demolition of any structure standing on the land of the petitioners shall be carried out.

9. It is further made clear that if no representation is filed on behalf of the petitioners on or before 05.06.2025 before the District Magistrate-cum-Collector, Patna, in that event the interim protection granted to the petitioners shall automatically get vacated.

(Satyavrat Verma, J)

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