

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7306 of 2024

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Anil Yadav Son of Prayag Yadav, Resident of Village - Shyam, Ward No. 10,
P.S. - Gwalpara, District - Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
2. The Principal Secretary, Rural Works Department, Government of Bihar.
3. The Executive Engineer, Rural Works Department, Work Division, Udakishunganj, Madhepura.
4. The Collector-cum-District Magistrate, Madhepura.
5. The District Land Acquisition Officer, Madhepura.
6. The Circle Officer, Gwalpara, Madhepura.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Ms. Sushmita Sharma, Advocate Mr. Jai Kishore Sharma, Advocate
For the Respondent/s	:	Mr. Sajid Salim Khan, SC-25 Mr. Birendra Prasad Singh, AC to SC-19

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL JUDGMENT

Date : 04-03-2025

Heard Ms. Sushmita Sharma, learned counsel for the petitioner and Mr. Sajid Salim Khan, learned SC-25 for the State.

2. Learned counsel appearing on behalf of the petitioner submits that the land in dispute pertains to Khata No. 274, Khesra No. 1750, Area 0.6 decimals 800 Kadi and Khata No. 274, Khesra No. 1751, Area 0.6 decimals 700 Kadi at Mauza Shyam, district Madhepura (hereinafter referred to as the 'land in dispute'). It is further submitted that the total land pertaining to Khesra No. 1750 and 1751 is 13 decimals. It is next submitted that the land in dispute is Khatiyani land of the petitioner and the petitioner is



paying rent to the State of Bihar. It is also submitted that the State of Bihar came up with a proposal for construction of bridge from Shyam Chowk to Udakishunganj under NABARD Yojana as would manifest from Annexure-P/1. In the aforesaid project, the entire 13 decimals of land of the petitioner as recorded hereinabove pertaining to the aforesaid Khata and Khesra has been taken by the respondent authorities for the construction of the project without issuing any notice to the petitioner and without acquiring the same in terms of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as the '2013 Act'). The petitioner under the circumstance submitted an application dated 27.05.2022 (Annexure-P/2) before the Circle Officer, Gwalpara, Madhepura with a prayer to measure the land in dispute and further to pay adequate compensation, accordingly, the land of the petitioner was measured by the Anchal Amin, Gwalpara who submitted his report dated 04.07.2022 (Annexure-P/3) recording therein that the total 13 decimals of land of the petitioner is required for construction of the bridge under NABARD Yojana from Shyam Chowk to Udakishunganj. It is submitted that in pursuance of the report of the Anchal Amin dated 04.07.2022, no action was taken, as such, the petitioner filed a complaint before



the Janta Darbar (District Public Grievance Redressal Forum). After filing of the complaint, the District Land Acquisition Officer, Madhepura vide his memo no. 268 dated 14.06.2023 (Annexure-P/4) addressed to the Officer In-Charge, Janta Darbar i.e. the District Public Grievance Redressal Forum, informed that for initiating acquisition proceeding requisition was asked from his office vide letter no. 96 dated 13.03.2023 but the same till date has not been provided by the Acquiring Authority, further, the acquisition proceeding can be initiated only when the Acquiring Authority requisitions for acquiring the land.

3. It is submitted that the District Land Acquisition Officer, Madhepura vide his memo no. 269 dated 14.06.2023 (Annexure-P/5) requested the Executive Engineer, Rural Works Department, Work Division, Uadkishunganj, Madhepura (respondent no. 3) to provide the requisition in the prescribed format along with the map so that proceeding of acquisition may be initiated. It is further submitted that the District Land Acquisition Officer, Madhepura vide his letter no. 144 dated 25.04.2023 (Annexure-P/6) addressed to the District Public Grievance Redressal Officer informed that his office requested to provide the requisition but the same till date has not been provided.



4. It is submitted that when no action was taken, the petitioner again submitted a representation dated 16.01.2024 before the District Magistrate, Madhepura and the Superintendent of Police, Madhepura. The Officer-In-Charge, District Janta Darbar, Madhepura vide letter no. 109 dated 18.01.2024 (Annexure-P/7) forwarded the letter of the petitioner dated 16.01.2024 to the District Land Acquisition Officer, Madhepura and the Executive Engineer, Rural Works Department, Udakishunganj, Madhepura to take action in accordance with law and to inform about the same.

5. Learned counsel for the petitioner next submits that a counter affidavit has been filed on behalf of the Executive Engineer, Rural Works Department, Udakishunganj, Madhepura (respondent no. 3) wherein at para 7, it has been recorded that the Circle Officer, Gwalpara vide his letter no. 92-2 dated 16.02.2023 (Annexure-A) has submitted the measurement report of the land in dispute recording therein that the land in dispute is coming in the alignment of the project. Thereafter, at para 8, it has been stated that in terms of Annexure-A, the respondent no. 3 vide his letter no. 151 dated 23.02.2023 (Annexure-B) has requested the District Land Acquisition Officer, Madhepura to initiate the process of acquiring the land in dispute under the provision of the Land



Acquisition Act, 2013 and to get evaluation of the land in dispute carried out so that the compensation amount may be requisitioned from the department and paid to the petitioner. Further, at para 10, it has been pleaded that the work has been stopped due to firing made by the petitioner and other accused at work site for which an FIR being Gwalpara P.S. Case No. 13 of 2024 dated 20.01.2024 (Annexure-C) has been instituted.

6. Learned counsel appearing on behalf of the petitioner submits that from the facts as recorded hereinabove, it becomes manifestly clear that the land of the petitioner was taken by the respondent authorities in the year 2022 for the aforesaid project but then neither the land was acquired nor any compensation was paid and the petitioner was made to run from pillar to post. It is further submitted that the Circle Officer, Gwalpara based on the representation of the petitioner had directed the Anchal Amin to get the land measured and the same was measured in the year 2022 wherein it was clearly recorded that the land was required for the aforesaid project but then also no action was taken which led the petitioner to file an application before the District Public Grievance Redressal Forum in which the District Land Acquisition Officer, Madhepura submitted his reply before the forum recording therein that he has already requested the Acquiring Department to



send the requisition for acquiring the land in dispute but then no action has been taken. It is next submitted that one can well imagine the plight of a person whose land has been taken forcefully without paying compensation by the State Authorities, as such, it is submitted that there was a skirmish on the land when the authorities came but then an FIR came to be instituted. It is also submitted that since respondent no. 3 i.e. the Department which requires the land has filed a counter affidavit pleading therein that he has already requested the District Land Acquisition Officer, Madhepura to acquire the land in dispute for the aforesaid project, as such, now the authorities should acquire the land in accordance with law and pay compensation to the petitioner.

7. Learned State Counsel at this stage submits that the writ petition can be disposed of with a direction to the District Land Acquisition Officer, Madhepura to initiate the process for acquiring the land and thereafter to pay the compensation amount to the petitioner on which learned counsel appearing on behalf of the petitioner submits that petitioner is running from pillar to post, as such, while disposing of the writ application a time frame should also be recorded.

8. After hearing the learned counsel for the parties, the writ petition is disposed of with a direction to the District Land



Acquisition Officer, Madhepura to initiate the proceeding of acquiring the land in terms of the requisition made by the respondent no. 3 as pleaded in his counter affidavit within a period of one month from the date of receipt/production of a copy of this order.

9. It is made clear that the authorities will ensure that the amount of compensation in accordance with law is paid to the petitioner within a period of two months thereafter.

(Satyavrat Verma, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	04.03.2025
Transmission Date	

