

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8302 of 2015

=====

Bhavatosh Jha Son of Late Ramanand Jha, Resident of At and P.O.- Kharhara, Barahat, P.S. and District- Banka presently residing at Block-A, Flat No. 205, VIP Enclave, Opposite B.G. Bazar, P.S. Raghunathpur, District Kolkata-700053.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Deputy Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
3. The Collector Banka District- Banka
4. The District Land Acquisition Officer, Banka, District- Banka
5. The Additional Collector Banka, District- Bank

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr.Alok Kumar Agrawal, Advocate Mr. Vikash Khanna, Advocate
For the Respondent/s	:	Smt. Namrata Mishra, G. A.-13

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 14-07-2025 Heard Mr. Alok Kumar Agrawal duly assisted by

Vikash Khanna, learned counsel for the petitioner and the State.

2. The present petition has been preferred for the
following relief/s:

*(i) for quashing the Notification Dt.
03.09.2013 issued vide Memo No. 2175 dt.
05.09.2013 by respondent, whereby various
plot of land including plot no. 184 having
altogether area of 29.74 acres situated at
Mauza-Madhusudanpur, Barahat, Thana No.*



116, District-Banka has been allegedly notified for acquisition by the respondent in exercise of power u/s 4 (1) of Land Acquisition Act 1894 without causing any public notice of the substance of such notification at convenient places in the locality and further notified without set out the boundaries of the land proposed to be taken much less any service of notice to the petitioner who is owner and the person interested in the land;

(ii) for quashing the Notification Dt. 03.09.2013 issued vide Memo No. 2197 dt. 06.09.2013 whereby on the same date i.e. on 03.09.2013 the respondent has further allegedly declared that the land in question is required for public purpose as per section 6 of the Land Acquisition Act, 1894;

(iii) for declaration that unless the correct boundary and area of plot no. 184 of Mauza Masudanpur, Than No. 116, Pamgana Bhagalpur District Banka is determined in



accordance with section 11 of Land Acquisition Act, 1894, the respondent be restrained from dispossessing the petitioner being rightful owner of the land in question;

(iv) for declaration that as no award has been prepared within a period of two years from the date of publication of declaration has required u/s 11 and 11(A) of the Land Acquisition Act, 1894 and therefore the entire proceeding of alleged acquisition of land has lapsed;

(v) for declaration that the proceeding under the Land Acquisition Act 1894 deemed to have lapsed in view of section 24 of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and for any other relief(s) for which the Petitioner may be found entitled to in the facts & circumstances of the present case.

3. The claim of the petitioner is/are that he purchased a piece of land (khata no.93, survey plot no. 242/old plot no.



78(part) having area 1.01 acres situated in Masudanpur, Barahat, Banka. The land was purchased from Md. Azam Ansari who according to the petitioner is the land owner. The claim was that without issuance of any notice upon him, the notification in question was issued by the respondents notifying the said land for acquisition under the Land Acquisition Act, 1894 (henceforth for short 'the Act').

4. A counter affidavit came to be filed in the year 2015 after service of copy to the learned counsel for the petitioner on 14. 09.2015.

5. The paragraphs 9 to 11 of the said counter affidavit read as follows:

9. that with regard to the statements made in paragraphs no. 9 of the writ petition under reply, it is stated that the notices were correctly directed to be issued to Md. Javed Iqbal Khan and Md. Shahid Iqbal Khan, as the jamabandi of the said land continues in their name from 1964 till the present date. Since the said land was never sold by the Original Owners to petitioner's alleged vendor



(i.e. Md. Azam Ansari) in 1960, neither the petitioner nor his alleged vendor are the rightful owners of the said land and the question of sending of notices to them do not arise;

10. that with regard to the statements made in paragraph no. 10 of the writ petition under reply, it is stated that the jamabandi no. 585 created in the name of Md. Azam Ansari, Md. Aslam Ansari and Md. Yaqub Ansari was bad in law in as much as the Original Owners had never moved any application for transfer of jamabandi to the alleged vendors;

11. that with regard to the statements made in paragraph nos. 11 & 12 of the writ petition under reply, it is stated that the same are incorrect. The petitioner of his alleged vendor (i.e. Md. Azam Ansari) are not the rightful/ legal owners of the said land as the Original Owners had never sold their lands to the alleged



vendor inasmuch as the registry documents from 1960, produced by the alleged vendor before the learned Deputy Collector, Land Reforms, Banka in the aforementioned appeal, have been found to be false and bogus. In view of the fact that the names of the jamabandi in the name of the Original Owners still exists, along with their names in the Mutation Register, the said notices u/s 9 of the Land Acquisition Act were rightly sent to them.

6. There is no rejoinder to the said petition.

7. Learned counsel for the petitioner submits that it was a valid purchase from Md. Azam Ansari and they were never noticed.

8. Learned State counsel rebutted the claim submitting that the counter affidavit clearly shows that Md. Javed Iqbal Khan and Md. Shahid Iqbal Khan are/were the original owners and rent receipts were issued in their favour,uptill the notices were issued.

9. In that background, there was no question of



issuance of notice upon the petitioner who purchased it from the person who had no concern with the land in question.

10. A claim was put forward by the petitioner, forcefully rebutted by the respondents by way of the counter affidavit, the same was not replied for ten years and in that background, the Court cannot move further. The petitioner has liberty to approach a competent Civil Court for the redressal of his grievance.

11. So far as the present petition is concerned, no interference is required.

12. The writ petition is dismissed.

13. The interim order passed on 28.05.2015 stands vacated.

14. Pending Interlocutory Application(s), if any also stand(s) disposed of.

(Rajiv Roy, J)

Ravi/-

U			
---	--	--	--

