

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5462 of 2015

1. Radha Krishna Sah son of Late Munilal Sah, Resident of village and Post-Mohiuddin Nagar, P.S- Mohiuddin Nagar, Dist - Samastipur
2. Parwej Hasan, Son of late Abu Hasan, Resident of village- Shekhtoli , P.O and P.S- Mohiuddin Nagar, Dist - Samastipur
3. Md. Yahia, Son of Shekh Mohammad Umar, Resident of village- Shekhtoli , P.O and P.S- Mohiuddin Nagar, Dist - Samastipur
4. Ram Laulin Rai, Son of late, Bindeshwar @ Binda Rai, Resident of village and P.O- Kursaha, Pashmi Tola, P.S- Mohiuddin Nagar, Dist - Samastipur
5. Saraswati Devi, Wife of Late Parmeshwar Sah, Resident of village and P.O and P.S- Mohiuddin Nagar, Dist - Samastipur
6. Bindeshwar Pandit, Son of late, Munshi Lal Pandit, Resident of Village P.O P.S- Mohiuddin Nagar, Dist - Samastipur
7. Ram Dayal Pandit, Son of Late- Muneshwar Pandit, Resident of Village and P.O P.S- Mohiuddin Nagar, Dist - Samastipur
8. Baleshwar Pandit, Son of Late Jageshwar Pandit, village P.O.P.S- Mohiuddin Nagar, Dist- Samastipur
9. Nawal Kishore Son of Sukdev Sah, Resident of Village P.O- Siura, P.S- Patori, Dist- Samastipur
10. Ali Ahmad khan, Son of Late Ajij Khan, Resident of village Tedhi Bazar, Dargah, P.O and P.S- Mohiuddin Nagar, Dist- Samastipur
11. Md. Kabiruddin @ Kabiruddin Ansari, Son of late- Gulam Moinuddin, Resident of village Post- Mohinuddin Nagar, P.S- Mohinuddin Nagar, Dist- Samastipur
12. Rudal khan, Son of Late Chamru Khan Resident of village Mohiuddin Nagar Dargah, P.O and P.S- Mohiuddin Nagar, Dist- Samastipur
13. Akli Khan Son of Late- Natho Khan, Resident of village Mohiuddin Nagar Dargah, P.O and P.S- Mohiuddin Nagar, Dist- Samastipur
14. Pramod Kumar, Son of Radhe Sah, Resident of village P.O - Bihat Nagar Parishad Tola, Jagir Ward,-20 Rajdhani Chowk Dist- Begusarai
15. Braj Kishore Mahto @ Braj Kishore Bhawe, Son of Ramawtar Mahto, Resident of village P.O P.S- Mohiuddin Nagar, Dist- Samastipur
16. Sukhiya Devi, Wife of late Baleshwar Prasad, Resident of Village P.O P.S- Mohiuddin Nagar, Dist - Samastipur

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary Lands and Revenue Department, Govt. of Bihar Patna
3. The Collector Cum District Magistrate, Samastipur
4. The Land Acquisition Officer, Samastipur
5. The Deputy Collector, Land Reforms Patori, Samastipur
6. The Circle Officer, Mohiuddin Nagar, Samastipur



... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Dhananjai Kumar Singh, Advocate
For the State : Mr. Ajeet Kumar, G.A.-9
Mr. Pankaj Kumar Singh, AC to GA-9

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 07-07-2025 Heard the parties.

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

(i) for commanding and directing the respondents, to ensure the payment of compensation at the revised rate in view of acquisition of their lands, falling under Mauza Mohiuddin Nagar, Thana No. 198, under Samastipur District as per the Provisions of Land Acquisition Act, 1894;

(ii) for holding that Petitioners are entitled to payment of compensation at the revised rate, for the piece of their respective lands, acquired by the government in the year of 1987;

(iii) for holding that, acquired land which was acquired in the year of 1987, for rehabilitation of victims of erosion caused by River Ganga, has been unlawfully occupied by 113(already



admitted by the Respondents) unauthorized persons within the knowledge of the Respondents;

(iv) for commanding and directing the Respondents, to immediately return the land of Petitioners, with compensation, as well as free from aforesaid unlawful encroachment, in the event they decide to de-acquire the said lands;

(v) for holding that, aforesaid land is in continued possession of Respondents, since 1987, without any compensation to the Petitioners;

(vi) for holding that, since 1985, Petitioners, are deprived from use of the aforesaid land for any purpose, which has resulted in enormous financial loss to the Petitioners who are the small farmers;

(vii) for any other relief(s) for which Petitioners, are found entitled in the eye of law.

3. It is the stand of the petitioners that though the petitioners earlier came for the payment of compensation, the fact remains that the land was not utilized by the Government rather



they picked up another land. He submits that it will suffice if the petitioners are allowed to approach the Additional Chief Secretary, Land Reforms, Revenue and Land Reforms Department, Patna individually.

4. As usual, despite the service of copies to the State in the year 2015, no counter affidavit is on record.

5. Instead of keeping the case pending and imposing the cost upon the State, the limited prayer of the petitioners stands allowed.

6. The petitioners are well advised to approach individually before the respondent no.2 within a period of eight weeks from today who shall be taking up the matter after hearing the parties shall be taking the matter to its logical conclusion.

7. The writ petition is disposed of with the aforesaid observation.

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

(Rajiv Roy, J)

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