

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3097 of 2015

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Ramashankar Yadav @ Ramashankar son of Late Mahendra Yadav resident of
Village- Pukari Srikant, P.S.-Fulwariya and District- Gopalganj.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The District Magistrate, Gopalganj.
3. The Additional Collector, Gopalganj.
4. The District Land Acquisition officer, Gopalganj.
5. Rajnath Chaudhary son of late Kalpat Chaudhary resident of Village- Pukari
Srikant, P.S.- Fulwariya and District- Gopalganj

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anirudh Kumar Verma
For the Respondent/s : Mr. Kumar Pankaj, AC to S.C. 5

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 01-07-2025 Heard the parties.

2. The present writ petition has been preferred:

*for setting aside the order dated
20.8.2014 passed by the District Land
Acquisition officer, Gopalganj whereby and
whereunder direction has been issued to
institute certificate case recovery of the
compensation amount Rs. 23773.00 paid to
the petitioner as award no. 22 for the land
acquired for constriction of Hathua Bhathni
new rail line construction project (First
Step) in the year 2006-07 and the
compensation paid to the petitioner in the
year 2006 as well as for staying the*



*operation of the certificate case no. 17/14-15
pending in the court of certificate officer,
Gopalganj.*

3. The claim of the petitioner is that he owns a land as follows:

(i) Khata No. - 59;

(ii) plot no. - 662;

*(iii) area- 0.07 acre in village Pakri Srikant
(Gopalganj).*

4. A land acquisition proceeding took place relating to Hathwa Bhatni New Rail Line and after producing the documents, compensation amount of Rs. 23,773/- was handed over to him.

5. It later transpired that one Rajnath Chaudhry objected to the said release of the amount and his stand was that the land in question belongs to him. Both the petitioner as also one Ramayan Chaudhary who were paid the compensation amount were noticed. Subsequently, while Ramayan Chaudhary diligently returned the amount, the petitioner kept on taking time without producing any document to support his case.

6. On the other hand, as per the report of the Circle Officer, Uchchakagaon, the *Jamabandi* was there in the name of Rajnath Chaudhry with Jamabandi no. 470 and the Circle



Officer, Uchchakagaon further recorded that he is/was the land holder.

7. As the petitioner evaded the repeated direction to either produce paper to return the amount, an order came to be passed by the District Land Acquisition Officer, Gopalganj on 20.08.2024 to initiate certificate proceeding against him (Annexure-5 to the present writ petition).

8. Aggrieved, the present writ petition.

9. A counter affidavit has been filed on behalf of the Collector, Gopalganj as also the District Land Acquisition Officer, Gopalganj (respondent nos. 2 and 4 respectively) and their stand is that the compensation amount was paid to the wrong persons (Rama Shanker Yadav and Ramayan Chaudhary) despite that they had no right, title and possession over the land in question. The record shows that Ramayan Chaudhary returned the amount whereas the petitioner chose to look the other way, whereafter the order was passed.

10. Learned counsel for the petitioner, at this stage, submits that since he owns the land, a title suit is pending before the Competent Civil Court, he shall be taking steps and contesting the matter.

11. It is for the petitioner to decide the next course of



action. The facts are on record, despite having no document on record relating to the award land, even *Jamabandi* is not running in his name, he got some amount, the Government upon noticing the faux pas, requested him to return the amount, took time, chose not to produce any document, in that background, an order has been passed.

12. It needs no interference, the writ petition is dismissed. However, if the petitioner succeeds in the title suit pending before the Competent Civil Court, he may have the opportunity to re-agitate the matter.

13. The interim protection granted earlier by the Co-ordinate Bench stands vacated.

(Rajiv Roy, J)

Vijay Singh/-

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