

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3989 of 2015

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Sadanand Singh, son of Late Ram Varan Singh, resident of Phulmallick, P.S.-
Sahebpur Kamal, District-Begusarai.

... .. Petitioner/s

Versus

1. The State Of Bihar through Revenue Secretary, Govt. of Bihar, Patna
2. The Secretary Gram Panchayat Raj, Govt. of Bihar, Patna
3. The Secretary, Department of Public Works Department, Govt. of Bihar, Patna.
4. The District Magistrate, Khagaria
5. The District Land Acquisition Officer, Khagaria, District-Khagaria.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Waliur Rahman, Advocate Mr. Pankaj Kumar, Advocate
For the State	:	Mrs. Archana Meenakshee, GP-6 Mr. Rana Veer Prawar, AC to GP-6

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 18-08-2025 Learned counsel for the petitioner prays for and is

allowed to implead the Collector, Khagaria as respondent no.4

in course of the day.

2. Heard the parties.

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

*(i) for issuance of an appropriate Writ/
Writs, Order/ Orders, Direction/ Directions
and thereby to direct the Respondent
Authorities to make payment of adequate
compensation to the petitioner for his land*



acquired for construction of soling road made in the village of Mathurapur Ward no. 3 in the District of Khagaria from the House of One Brahmdeo Singh to Patel Chimani Bhatta;

(ii) the petitioner be paid for adequate compensation for construction of road made in the village of Mathurapur Ward no. 3, PS and District of Khagaria;

(iii) the petitioner be paid adequate compensation for the land acquired by the Respondent, is such that has made one plot of petitioner uncultivable due to acquisition in haphazard manner;

(iv) the petitioner be paid interest from the date of acquisition up to date of final payment in accordance with law;

(v) the petitioner be paid the cost of legal Proceeding throughout;

(vi) the petitioner be granted of any other relief/reliefs for which the petitioner found entitled and permissible under the facts and



circumstances of this case.

4. The matter relates to land as recorded in para-5 of the petition as follows:

“that it so happens that the Petitioner purchased a piece of land from one Vijay Kumar Gupta, son of Babu Paramanand Gupta of Sanhauliganj, PS and District Khagaria for an area of 4 Katha 14 Dhur appertaining to Tauzi no. 3717/1447 for consideration of Rs. 6000/- of Khata no. 473 and 477 Plot no. 31,32 and 33 (Miljumale) and came possession over the same.”

5. The case of the petitioner is that admittedly, he owns the land, never ever consent was taken before the alleged construction made under the superintendence of Panchayat, Mathurapur.

6. Learned counsel for the petitioner has taken this Court to Annexure-A to the counter affidavit filed on behalf of the respondent no.2 to show that before construction of Nali-Gali -Road, taking consent of the landholders is/are is essential in the presence of two witnesses which was not adhered to in



this case.

7. Learned State Counsel submits that the facts of this case is entirely different inasmuch as the brother of the petitioner namely Dayanidhi Patel who was caring the land under the instruction of the petitioner played mischief and gave consent which resulted into this faux-pas. However, deliberately the said brother has not been made party respondent in this case and as such, the petition is fit to be dismissed for non-joinder of the necessary party.

8. At this stage, learned counsel for the petitioner submits that as the State themselves have come out with the Annexure-A to show that written consent in the presence of two witnesses is/are compulsory which is missing in this case, he shall be approaching the Collector, respondent no.4, Khagaria in next four weeks.

9. Learned State counsel submits that in case such petition is preferred, the same shall be taken to its logical conclusion at an earliest after hearing all the necessary parties.

10. Taking into account the aforesaid facts, instead of asking the respondent to file another affidavit on the point raised by the learned counsel for the petitioner, this Court allows the petitioner to approach the Collector, Khagaria in next four



weeks who shall be taking up the matter, hearing the parties/the stake holders and matter shall be taken to its logical conclusion preferably by 31.01.2026.

(Rajiv Roy, J)

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