

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17789 of 2021

Kushum Devi @ Kusum Devi, W/o Late Shivalakhan Ram, Resident of Village-Naviganj Saren near Durga Asthan, P.S. Makhdumpur, Tehta, District-Jehanabad, Bihar, Pin Code-804427.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
3. The Collector, Aurangabad, Bihar.
4. The Additional Collector, Aurangabad, Bihar.
5. The D.C.L.R. Aurangabad, Bihar.
6. The Circle Officer, Barun, District-Aurangabad, Bihar.
7. The Land Acquisition Officer, Aurangabad, Bihar.
8. The General Manager, East Central Railway, Hajipur, Bihar.
9. The Divisional Railway Manager, East Central Railway, Mughalsarai (Pandit Deen Dayal Upadhaya).
10. The Project Manager, Aurangabad Ferid Corridor, East Central Railway, Aurangabad/Mughalsarai (Pandit Deen Dayal Upadhaya).

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Amrendra Kumar Singh, Adv.
For the State	:	Mr. Md. Khurshid Alam (AAG-12)
For the respondent No. 10(DFCCIL)	:	Mr. Tiwari Shwetketu, Adv.
For the respondents	:	Mr. Ram Tujabh Singh, CGC
	:	Mrs. Radhika Raman, Adv.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 11-09-2025 At the outset learned counsel appearing for the respondent no. 10 is permitted to make necessary corrections in the course of the day in the counter affidavit on page no. 8 in paragraph 14 relating to typographical error.

2. The instant writ petition has been filed by the



petitioner under Article 226 of the Constitution of India, seeking the following reliefs :-

“(i) To issue an appropriate writ preferably in the nature of 'Certiorari' for setting aside the order dated 16.4. 2018 passed by the Court of Additional Collector, Aurangabad in Jamabandi Cancellation Case No. 5/2015-16 /DLR 55/2015-16 by which Jamabandi created in favour of the petitioner with regard to 25 Decimal land appertaining to Khata No. 56, Plot No.162/456, Tauzi No.4791, Thana No.153 situated in Barun, Aurangabad has been cancelled.

(ii) To issue an appropriate writ preferably in the nature of Mandamus commanding upon the respondent authorities to pay suitable compensation to the petitioner on account of her land as aforementioned been acquired by the respondent authorities through Land Acquisition Proceeding initiated through notification dated 29.10.2014.

(iii) To hold and declare that the long name of standing Jamabandi in the vendor of the petitioner and than in the name of the petitioner cannot be questioned and cancelled in a summary proceeding. It can only be decided in a duly constituted suit by a Court of Competent Jurisdiction.

(iv) To grant any other relief (s) for which the petitioner may be found entitle in the peculiar facts and circumstances of the case.”

3. Heard learned counsel for the petitioner, learned counsel for the respondent nos. 1 to 7 and learned counsel for the respondent no. 10. The petitioner has mainly raised two



grievances. The first grievance relates to cancellation of a Jamabandi vide order dated 16.04.2018 passed by the Court of Additional Collector, Aurangabad, in Jamabandi cancellation Case No. 5/2015-16/DLR55/2015-16 pertaining to Khata No. 56, Plot No. 162/456, Tauzi No. 4791, Thana No. 153 situated in Barun, measuring 25 decimals and the second grievance relates to the non-payment of compensation to the petitioner for the said 25 decimals of land which has been acquired by the respondents. For redressal of the first grievance, the petitioner has specific remedy of appeal and revision and has further remedy to file application before the Bihar Land Tribunal under the Bihar Land Tribunal Act, 2009, however, without availing these remedies, the petitioner has directly approached this court. Insofar as the second issue, regarding non-payment of compensation to the petitioner is concerned, learned counsel for the respondent No. 10 submits that the entire compensation amount relating to the acquired land for which award was prepared on 28.07.2016, has been credited to the bank accounts of the awardees and for compensation of Gair Majarua Aam lands of Mouza Kocharh and two other mouzas the D.L.A.O., Aurangabad (respondent No.7) issued a letter bearing no. 663 dated 13.10.2016 to the Chief Project Manager, so, in



compliance of that letter, the amount of compensation for Gair-Majarua Aam lands of all three Mouzas amounting to Rs. 7,48,84,675/- and Rs. 6,47,798/- was paid to the respondent no.7 by two different cheques.

4. Learned counsel for the respondent nos. 1 to 7 submits that though the compensation amount has been deposited by the respondent no.10 in respect of the land in question but in the meantime, vide order dated 16.04.2018, the petitioner's Jamabandi was cancelled as the said land was recorded as Gair-Majarua Aam land and the said order is still in existence and the same has not been challenged by the petitioner.

5. Having considered the aforesaid submissions and taking into account the facts mentioned in the writ petition as well as in the counter affidavits filed on behalf of respondent nos.2 to 4 and respondent no. 10, this court is not persuaded to invoke writ jurisdiction of this court and for redressal of both the grievances, the petitioner had to approach the concerned authorities under Bihar Land Mutation Act, 2011 by way of appeal and revision and further before the Bihar Land Tribunal under Bihar Land Tribunal Act, 2009 and before getting the first issue decided by these authorities, the second issue relating to



grant of compensation cannot be decided. The petitioner has failed to satisfy this court as to why he directly approached this court and has not shown the urgent situation forcing him to approach this court in such a manner.

6. Accordingly, the instant writ petition stands disposed of with giving a liberty to the petitioner to approach the concerned authorities under the Bihar Land Mutation Act, 2011 and before the Bihar Land Tribunal under the Bihar Land Tribunal Act, 2009. If the petitioner avails the above remedies then the period spent in pursuing this writ petition before this court shall be excluded while computing the period of limitation.

(Shailendra Singh, J)

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