

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18575 of 2017

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1. Rambriksh Prasad Gupta and Anr Son of Late Sita Ram Prasad Gupta.
 2. Ram Sudis Prasad Gupta, Son of late Sita Ram Prasad Gupta. Both Resident of Mohala-Puraini Bazar, Laukahi, Police Station-Laukahi, District-Madhubani.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Director, Land Acquisition, Revenue Department, Bihar, Patna.
3. The District Magistrate, Saharsa.
4. The District Magistrate, Madhubani.
5. The District Land Acquisition Officer, Madhubani.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Uday Chand Prasad, Adv. Mr. Binod Kumar Sinha, Adv. Ms. Pooja Prasad, Adv.
For the Respondent/s	:	Mr. Sajid Salim Khan - Sc-25

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-06-2025 Heard Mr. Uday Chand Prasad, learned counsel for

the petitioner and the State.

2. The present writ petition has been preferred for the
following relief(s):

*for issuance of writ in the nature
of certiorari for quashing of Notice dated
23.1.2017 issued in Land Acquisition Case
No. 5 (A) of 2014-15 to the petitioners
whereby the compensation has been
assessed as Rs. 17,33,716.00 only against
land bearing Khata No. 995 Survey No. 5,
Khesra No. 1841 Area rea 0.098 Acre*



Mauza-Jhauri, District- Madhubani on the basis of non-commercial rate which is very less amount, and for issuance of writ in the nature of Mandamus compensation of the the on petitioners to fix the aforesaid land of the basis of commercial rate and pay the same to the petitioner.

3. A counter affidavit on behalf of the respondent nos. 4 and 5 is on record having duly served upon the learned counsel for the petitioner in the year 2023 according to which, the sale deed dated 28.07.2016 has been executed much after the acquisition of land for the Bharat-Nepal border road. Further, the compensation amount has already been determined, the petitioners refused to accept the same and in that background, it has been deposited with the authority.

4. Learned counsel for the petitioners submit that the authorities have discriminated in the matter inasmuch as while his claim for commercial compensation has been denied, the adjourning raiyats have been extended the said benefit.

5. The said statement is bereft of any document by way of supplementary/reply to the counter affidavit and in any case, if such discrimination has been made as alleged by the petitioners, they have all the right to approach the appropriate Authority/ Competent Court bringing on record the aforesaid



facts so that the said relief is also extended to them.

6. In this case, it would be appropriate that the petitioners approach before appropriate Authority/ Competent Court for the redressal of their grievance/payment of compensation for acquisition of a road which took place much before the execution of the said deed of the petitioner.

7. If the petitioners approach before the Competent Authority/Court within four weeks, it would be appropriate that the same is taken to its logical conclusion by the end of this year.

8. The writ petition is disposed of with aforesaid observation.

(Rajiv Roy, J)

Vijay Singh/-

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