

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18006 of 2021

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Hari Dubey, Son of Late Nathuni Dubey, resident of Village- Lakhaura
Nazamat, Tola- Dubauliya, P.S.- Kumarbagh O.P., District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Land Acquisition, Govt. of Bihar
2. That Principal Secretary to Govt. of Bihar, Department of Bihar Land Acquisition, Patna.
3. The District Magistrate Cum District Land Acquisition Officer, West Champaran.
4. The Deputy Development Commissioner, West Champaran.
5. The District Land Acquisition Officer, West Champaran.
6. The Executive Engineer, Rural Development Department, West Champaran.
7. The Circle Officer, Chanpatiya Block.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binay Kant Mani Tripathi, Adv.
For the State : Mr. Asif Kalim (AC to AAG-12)

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 04-09-2025 The instant application has been filed by the

petitioner under Article 226 of the Constitution of India, praying

for the following relief(s):

*"(i) For that Plot no.1087, 1088, 1089, 1090,
1091 & 1092 of Khata no. 38, Thana no.79,
Mauza- Khardeur, District- West Champaran is
recorded in name of Jhaman Dubey and Butai
Dubey and the petitioner is grandson of aforesaid
Jhaman Dubey and aforesaid land is raiyati land
of the petitioner and Plot No.126, 128 of Khata
No.101 and Plot No.10 of khata No.107, Plot*



No.117 of Khata No.108, Plot No.121 and 122 of Khata No.104, Plot No.5 of Khata No.98 total area about 40 decimal of land and Plot No.82 of Khata No.121 and Plot No.86, 193, 85 and 194 of Khata No.98 total area about 15 decimals of land which is raiyati land of the petitioner situated at Village-Lakhaura, Thana No.79 situated at both sides of road and soil work is being done for constructing and extension of the aforesaid road by the respondents without following the provisions of Land Acquisition Act.

(ii) For that no notice was issued and served upon petitioner for acquiring the aforesaid land of the petitioner for construction of aforesaid road although the petitioner is paying revenue to State of Bihar and rent receipt is being granted to petitioner and name of petitioner is recorded in Revenue records of State of Bihar.

(iii) For that petitioner met several times to the authorities concerned personally and filed representation before respondent no. 3 to 7 from 2020 and lastly sent representation through registered post 17.07.2021 and requested payment of compensation to on make money, but no reply was given till date.

(iv) For that respondents are legally bound to make payment of adequate compensation amount to petitioner and petitioner has got legal right to receive the same for loss caused by arbitrary actions of respondents.

(v) For that petitioner is a farmer and agriculturist and the fundamental right under Article 21 of Constitution has been infringed as the cultivation is the only source of livelihood of



the petitioner."

2. Heard Mr. Binay Kant Mani Tripathi, learned counsel appearing for the petitioner and Mr. Asif Kalim, learned counsel appearing for the State.

3. The main grievance raised by the petitioner is that his land measuring about 55 decimals, details of which are mentioned in the paragraph no. 3 of the petition, has been used by the government authorities for road construction without being acquired and without paying any compensation to the petitioner. According to the petitioner's counsel for redressing his grievance, he has filed a representation dated 17.07.2021 before the District Magistrate-cum- District Land Acquisition Officer, West Champaran, Bettiah vide Annexure-1, upon which no action has been taken by the said officer despite the lapse of several years and the petitioner has been running from pillar to post.

4. Considering the petitioner's grievance, the instant writ petition stands disposed of with a direction to the District Magistrate-cum-District Land Acquisition Officer, West Champaran, Bettiah to look into the petitioner's grievance raised in the petitioner's application dated 17.07.2021 and to take appropriate remedial action to redress the petitioner's grievance within six weeks from the date of receipt or production of this



order's copy and the petitioner shall also be informed in writing
regarding the action taken.

(Shailendra Singh, J)

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