

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18300 of 2022

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1. Mohd. Harun, son of- Mohd. Majlum, resident of Village- H.No.- B- 13, Chainsingh Patti, P.S.- Supaul, District- Supaul.
 2. Md. Arif, son of- Md. Kalim, resident of Village- Chainsingh Patti, Ward No. 03, P.S.- Supaul, District- Supaul.

... .. Petitioner/s

Versus

1. The Union of India through the Zonal/ General Manager of East Central Railway, Hajipur, Bihar.
2. The Deputy Chief Engineer, Construction Organisation, Eastern Central Railway, Darbhanga.
3. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Govt. of Bihar, Patna.
4. The District Magistrate, Supaul.
5. The District Land Acquisition Officer, Supaul.
6. The Circle Officer, Supaul.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Kuldeep Kumar, Adv.
For the Respondent/s : Mr. Sajid Salim Khan SC-25

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 01-11-2025 The instant writ application has been filed under Article 226 of the Constitution of India by the petitioners seeking the following relief(s):

"(i) For issuance of a writ in the nature of MANDAMUS in order to direct/command to the concerned respondents specially to the respondent no. 5, the land Acquisition officer cum the competent authority, Supaul to pay the due amount of compensation by enumerating as per the government guideline to the petitioners for acquiring their plots of land mentioned in the notices contained in



Annexure - 5 (series) issued by the concerned authority on 08.06.2021.

(ii) For issuance of a writ in the nature of mandamus for directing the concerned authority mainly the respondent nos. 5 and 6 to consider the petitioner's plots of land as raiyati which they have return which had been returned to state Govt. after abolition of landlord system in the year 1956 and thus since then they have been paying the rent to the said govt. and have been receiving the rent receipt and more over they have been coming in peaceful possession over the aforesaid plots of land for years meaning thereby no mote of complain for disturbing their possession has been made by any one for challenging their possession and title.

(iii) For further issuance of a writ in the nature of mandamus for directing the concerned respondent to pay the value as a compensation amount of the plots of land through which the Supaul-Arariya new rail project is crossing to petitioners as per govt. circular after declaring their plots of land as Raiyati in nature in place of Gairmajarua Khas/Malik.

(iv) For any other relief/reliefs, order/orders, direction /directions which may deem fit & proper in the facts & circumstances of the present case."

2. Mr. Kuldeep Kumar, learned counsel appearing for the petitioners and Mr. Sajid Salim Khan, learned counsel appearing for the State-respondents are present and are heard.

3. The main grievance raised by the petitioners in this writ petition is that the petitioners' land detailed in paragraph nos. 4 and 6 of this petition has been used by the Railway



Department for the construction of a railway project without acquiring the same as well as without paying any compensation to the petitioners. It is submitted by the petitioners' counsel that the land in question was purchased through registered sale deed by the father of petitioner no.1 from Md. Moin, Shekh Ekramul Haq, Abdul Sakur, all were sons of Late Molvi Kismat Ali and from Shekh Jubair Alam, son of Late Washil and petitioner no.2 purchased from Mahammed Ali and Ahmad Ali sons of Late Shekh Fahim after paying the due consideration amount of money. After the purchase, they have been in continuous possession over the said land. Though the petitioner no. 2 was given a notice before acquiring the land by way of Annexure-5 series with regard to show his right in respect of the land in question, then a representation was filed by petitioner no.1 before the District Land Acquisition Officer, Supaul, by way of Annexure-7 but no order has been passed upon that representation nor any decision, if taken has been communicated to the petitioners.

4. Considering the aforesaid submissions and having gone through the averments made in this petition, the petitioners are given a liberty to file a fresh representation before the District Land Acquisition Officer, Supaul for redressing his



grievance within three weeks from today, if the same is filed within the said period, then the District Land Acquisition Officer, Supaul shall decide his representation as per the provisions of law according to merit and the order upon his fresh representation shall be communicated to the petitioners through registered post and the petitioners must be given sufficient opportunity of hearing upon his representation.

5. Accordingly, with above directions, the instant writ petition stands disposed of.

(Shailendra Singh, J)

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