

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17362 of 2024

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1. Saty Narayan Singh Son of Late Ram Deni Prasad Resident of Village- Umga, P.S.- Madanpur, District- Aurangabad, State- Bihar.
 2. Santosh Kumar Singh, Son of Late Shiv Deni Singh, Resident of Village- Umga, P.S.- Madanpur, District- Aurangabad, State- Bihar.
 3. Rakesh Kumar Singh, Son of Late Sakaldeep Singh, Resident of Village- Umga, P.S.- Madanpur, District- Aurangabad, State- Bihar.
 4. Bipin Bihari Singh, Son of Late Ram Deni Prasad Singh, Resident of Village- Umga, P.S.- Madanpur, District- Aurangabad, State- Bihar.
 5. Arvind Kumar Singh, Son of Late Ram Deni Prasad Singh, Resident of Village- Umga, P.S.- Madanpur, District- Aurangabad, State- Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector-cum-District Magistrate, Aurangabad.
2. The Collector-cum-District Magistrate, Aurangabad.
3. The District Land Acquisition Officer, Aurangabad.
4. The Circle Officer, Madanpur, Aurangabad.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Saroj Kumar, Advocate
For the Respondent/s : Mr. Standing Counsel, 11

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 26-06-2025 Heard petitioner no. 5 in person and learned AC to SC-11 for the State.

2. The land in dispute in the instant writ application pertains to Khata No. 104, Plot No. 1730, Mauja Umga, Circle/P.S. Madanpur, District Aurangabad area 65 decimals.

3. The petitioner no. 5 submits that for the purposes of widening of State Highway No. 101 (Amba0Dev-Madanpur Path) land is being acquired by the authorities. It is further submitted that though presently the land of the petitioners has



not been acquired but then the authorities had come on the land for measuring the same, as such, the petitioners filed a representation dated 21.05.2024 (Annexure-5) before the respondent no. 2, i.e., the District Magistrate-cum-Collector, Aurangabad with a prayer that if the land of the petitioners is to be acquired in that event the petitioners be compensated.

4. Learned counsel appearing on behalf of the State submits that from perusal of the pleadings made at para 9 of the writ application, it would manifest that the land has not been acquired till date rather it has been pleaded that it is within the knowledge of the petitioners that the respondents intend to acquire 0.083003 acres from Plot No. 1730 of the petitioners. It is thus submitted that it appears that the petitioners have rushed to the Court when the land till date has not been acquired on which the petitioner no. 5 submits that since the authorities came on the land and started measuring the same, as such, the petitioners felt apprehended that their land may be utilized for the aforesaid purpose i.e. construction of State Highway No. 101 without acquiring the land of the petitioners and without compensating them, as such, they filed a representation dated 21.05.2024 before the District Magistrate-cum-Collector, Aurangabad. It is further submitted that recently the authorities



have come on the land of the petitioners and again started measuring the same for the purposes of completing the aforesaid State Highway 101.

5. The petitioner no. 5 also relies on an order of this Court dated 31.07.2023 in C.W.J.C. No. 4523 of 2020 (Smt. Anju Kumari & Ors. Vs. The State of Bihar & Ors.) to submit that this Court had directed the authorities to pay compensation to the petitioners for their acquired land within a period of three months on which learned counsel appearing on behalf of the State submits that the facts of the case is different from the facts based on which C.W.J.C. No. 4523 of 2020 was decided as in the present case the land till date has not been acquired.

6. Learned State Counsel further submits that the petitioners can be given liberty to file a fresh representation before the District Magistrate-cum-Collector, Aurangabad stating all the relevant facts along with the documents of the land for seeking redressal of their grievance as raised in the instant writ application on which the petitioner no. 5 submits that a fresh representation before the respondent no. 2 shall be filed on or before 04.07.2025.

7. Petitioner no. 5 at this stage submits that the case of the petitioners is covered by order dated 31.07.2023 in C.W.J.C.



No. 4523 of 2020.

8. After hearing the learned counsel for the parties, the writ application is disposed of with a liberty to the petitioners to file a fresh representation before the District Magistrate-cum-Collector, Aurangabad with all the relevant documents relating to the land and the order dated 31.07.2023 in C.W.J.C. No. 4523 of 2020 on or before 04.07.2025, if any representation is filed by the petitioners before the District Magistrate-cum-Collector, Aurangabad on or before 04.07.2024 in that event the District Magistrate-cum-Collector, Aurangabad shall dispose of the same within a period of three months thereafter after giving opportunity of hearing to the petitioners.

9. It is made clear that the District Magistrate-cum-Collector, Aurangabad while considering the representation of the petitioners shall also take into consideration the fact that as to whether the case of the petitioners is covered by order dated 31.07.2023 in C.W.J.C. No. 4523 of 2020 or not.

10. The writ application is disposed of with the aforesaid liberty.

(Satyavrat Verma, J)

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