

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19227 of 2025

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Muneshwar Prasad S/o Late Ramdeo Gope, Resident of Village- Taregana
Chak, P.S.- Masaurhi, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through its Secretary, Revenue and Land Reforms Department, Bihar, Patna.
2. The Divisional Commissioner, Patna Division, Patna.
3. The District Land Acquisition Officer, Patna.
4. The Circle Officer, Masaurhi, Patna.
5. Mahanand Singh, S/o Late Rampadarath, Resident of Village- Taregana, P.S.- Masaurhi, District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Dharmendra Kumar Sinha, Advocate
For the Respondent/s	:	Mr. Prashant Pratap, GP-2
		Mr. Asit Kumar Jha, AC to GP-2

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 02-12-2025 Heard the parties.

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

“i) For issuance of appropriate writ in the nature of certiorari for quashing the notice vide its number 2420 dated 14.07.2025 issued under signature of District Land Acquisition Officer, Patna by which he has directed to refund the amount of Award paid to petitioner on 19.02.2015 and 18.08.2018 in L.A. Case No.



63/2013-14 by its Award No. 77 Kh. The said notice has been issued on the basis of application submitted by Respondent No. 5 before Public Grievances Redressal Forum who has no power to unilaterally demand the amount after award becomes final unless there is an order from competent court.

ii) For issuance of appropriate writ in the nature of mandamus seeking direction to Respondent to stop and withdraw the action taking against petitioner who has no power to demand or issuance of notice to refund the money and in case of any complain or dissatisfaction he has only power to refer the matter before competent authority for adjudication and thus entire exercise done by the Respondent was bad illegal and against the Rules.

iii) For any other relief/ reliefs for which petitioner is entitled for.”

3. The matter relates to Khata No. 261, Khesra No. 2040 (Area 0.08 Acre) and Khata No. 260, Khesra No. 2045 (Area 0.16 decimal) relating to Mauza-Masaurhi in the district



of Patna.

4. Pursuant to the Land Acquisition Case No. 63 of 2013-14 relating to Patna-Gaya-Dobhi National Highway-83, acquisition process took place and this petitioner showing his *bona fide* to the said land, received Rs. 63,16,912.

5. However, one Mahanand Singh raised objection that there is dispute relating to the said land and the petitioner himself has preferred title suit before a competent Civil Court and suppressing the said fact, the amount has been withdrawn.

6. Upon receiving such complaint, notice no. 2420 dated 14.07.2025 has been issued to the petitioner by the District Land Acquisition Officer, Patna (Annexure-P/3 to the writ petition).

7. Aggrieved, the present petition.

8. Learned counsel for the petitioner though admitting that a title suit with regard to the same land is pending before the competent Civil Court, since he was having possession, rightly, he received the amount. The respondent no. 5 (Mahanand Singh) has nothing to do with the said land, in any case, Section 36 of the Bihar Land Acquisition, Rehabilitation and Resettlement Rules, 2014 talks about the Collector making the reference to the authority to adjudicate



the matter and the Land Acquisition Officer, Patna has no role to play.

9. Mr. Prashant Pratap, learned GP-2 counters the same and submits that the petitioner has admitted that a title suit is pending with regard to the same land and this was never informed to the office while collecting the amount.

10. A simple notice has been issued, the points raised by the petitioner ought to have been submitted by way of reply before the District Land Acquisition Officer, Patna in the aforesaid notice dated 14.07.2025. Instead, he has rushed to the Court and as such, the present petition in view of the fact that he suppressed the fact before collecting the amount regarding the pendency of the title suit be dismissed with cost.

11. This Court has gone through the facts of the case as also materials on record, the petitioner surreptitiously has annexed only the rent receipt and the notice and nothing further to prove his point. In any case, he has admitted the fact that a title suit with regard to the same land is pending and this fact was suppressed while collecting the amount as pointed out by learned State counsel.

12. A simple notice has been issued, he has all the right to put forward the points by way of reply to the said



notice. Instead, the writ petition. The same is ill advised and is dismissed with a cost of Rs. 5,000/- to be deposited with the Patna High Court Legal Services Committee in next two weeks.

13. Failure to do so, appropriate steps should be taken by the respondents in accordance with law for the realization of the amount.

(Rajiv Roy, J)

Adnan/-

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