

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18897 of 2024

Sarfaraz Bharti son of Mohammad Shamsuddin, resident of B41, 1st Floor, Defence Colony, South Delhi, Police Station-Defence Colony, District-South Delhi, New Delhi-110024.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Home Affairs, having its office at North Block, Cabinet Secretariat, Raisina Hill, New Delhi-110001.
2. Director General, Sashastra Seema Bal, Block-V (East), R.K. Puram, New Delhi-66.
3. The Collector cum Land Acquisition Officer, Kishanganj.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Abhishek Kumar
For the Respondent/s	:	Mr. Additional Solicitor General Dr. Anjani Prasad Singh-C.G.C.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 17-06-2025 1. Heard learned counsel for the petitioner and learned C.G.C. appearing on behalf of the Union of India.

2. The learned counsel for the petitioner submits that petitioner had purchased a piece of land pertaining to Khata No.53, Plot No.292 and 294 at Mauza- Phulbari, District-Kishanganj from Trilok Chand Jain vide sale deed no.1295 dated 19.02.2008.

3. It is further submitted that after purchasing the land, the petitioner filed an application seeking mutation of the land in his name. Accordingly, Jamabandi No.610 was created in the name of the petitioner and the petitioner started paying



rent of the land and the same was paid till 2019-2020 as would manifest from Annexure-2 series. It is next submitted that petitioner for earning his livelihood was residing at Hyderabad and his family was residing at Ranchi, Jharkhand, thereafter since 2021 the petitioner was stationed at New Delhi. It is submitted that a Land Acquisition Case No.46 of 2015-16 was initiated for acquisition of land for construction of the Headquarters of S.S.B. 12th Battalion, Kishanganj. It is next submitted that out of 31 decimals of the purchased land of the petitioner, an area of 18.5 decimal of purchased land of the petitioner was also acquired vide Land Acquisition Case No.46 of 2015-16, apart from other land. It is next submitted that petitioner never came to know that his land has been acquired nor he was served with any notice. It is further submitted that petitioner came to know about the acquisition of the land when his 18.5 decimal of land was mutated in the name of S.S.B., Kishanganj vide mutation Case No.39 of 2020-21 by an order dated 01.07.2020 passed by the Circle Officer, Kishanganj.

4. The learned counsel for the petitioner submits that the petitioner after coming to know that 18.5 decimal of his purchased land has been acquired for the aforesaid purpose the petitioner represented before the authorities as would manifest



from Annexure- P/5 series. It is next submitted that when petitioner approached the authorities then he came to know that an award under Section 37(2) of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 has been prepared in his name. It is next submitted that petitioner till date has not been disbursed with the award money, as such, the instant writ application has been filed for a direction upon the respondent no.3 to make payment of the compensation amount in lieu of the acquisition of the purchased land of the petitioner for construction of Headquarters of S.S.B. 12th Battalion, Kishanganj.

5. The learned counsel appearing on behalf of the State submits that the land was acquired in the Year 2015-16 and the instant writ application has been filed in the Year 2024. It is further submitted that no doubt, the petitioner in the writ application has pleaded that he had represented before the authorities for seeking his compensation, but then, it may be a possibility that the representation filed by the petitioner before different authorities may not be found in their office, on which the learned counsel appearing on behalf of the petitioner submits that he will file a fresh representation before the respondent no.3 with all the relevant documents for seeking his



compensation with respect to acquisition of his purchased land in terms of the award.

6. After hearing the learned counsel for the parties, the writ application is disposed of with a liberty to the petitioner to file a fresh representation before the Collector-cum-Land Acquisition Officer, Kishanganj for seeking compensation of his acquired land on or before 07.07.2025 with all the relevant documents.

7. In the event, if any application is filed by the petitioner seeking compensation with regard to his purchased land on or before 07.07.2025, in that event, the Collector cum-Land Acquisition Officer, Kishanganj shall consider and dispose of the representation of the petitioner within a period of three months thereafter in accordance with law after giving proper opportunity of hearing to the petitioner.

(Satyavrat Verma, J)

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