

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18652 of 2023

1. Rachana Gupta @ Gulo Devi Wife of Amar Gupta, resident of Jay Nagar Ward No. 7, P.S.-Jaynagar, District-Madhubani.
2. Kalpana Devi, Wife of Manoj Kumar Singh, resident of Village-Chitragupta Colony, P.O.-Jaynagar, District-Madhubani.
3. Asha Devi, Wife of Jibach @ Jibachh Sah, resident of Village-Ramna, P.O.-Parwa, P.S.-Jaynagar, District-Madhubani.
4. Subhadra Devi, wife of Binay Kumar Hira, resident of Village-Paduma Ward No. 9, P.O.-Paduma, P.S.-Ladaniya, District-Madhubani.
5. Binay Kumar Hira, son of Harilal Yadav, resident of Village-Paduma, P.O.-Paduma, P.S.-Ladaniya, District-Madhubani.
6. Aasmeen Khatoon, Wife of Md. Habib, resident of Village-Jai Nagar (Union Tola), P.O.-Jaynagar, P.S.-Jay Nagar, District-Madhubani.
7. Amar Gupta, son of Prahlad Gupta, resident of Village and P.O. and P.S.-Jay Nagar, District-Madhubani.
8. Shankar Prasad Rungta, son of Late Kashi Ram Rungta, resident of Village and P.O. and P.S.-Jay Nagar, District-Madhubani.
9. Chandra Kala Devi, Wife of Sunil Kumar, resident of Arraha, P.O.-Kamlabari, P.S.-Jay Nagar, District-Madhubani.
10. Hari Shankar Jee, son of Ram Sagar Singh, resident of Village-Ramma, P.O.-Parwa, P.S.-Jay Nagar, District-Madhubani.
11. Narendra Kumar Yadav, son of Ram Bilash Yadav, resident of Village-Gobrahi, P.O. and P.S.-Jay Nagar, District-Madhubani.
12. Raj Kumar Prasad, son of Late Ram Prasad Sah, resident of Village-Gudri Bazar Jaynagar, P.O. and P.S.-Jaynagar, District-Madhubani.
13. Satdeo Hazra @ Satdeo Yadav, son of Late Bathu Hazara, Resident of Village-Belhi, P.S.-Jai Nagar, District-Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Revenue Dept, Government of Bihar, Patna.
2. The Commissioner Darbhanga Commissioner, Darbhanga.
3. The Collector, Madhubani.
4. The Collector cum District Registrar, Madhubani.
5. The Deputy Collector, Revenue and Land Reforms Department, Madhubani.
6. The District Land Acquisition Officer, Madhubani.
7. The Circle Officer, Jay Nagar, Madhubani.

... .. Respondent/s



Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar
For the Respondent/s : AC to SC-11

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 16-01-2025 1. Heard learned counsel for the petitioners and
learned AC to SC-11.

2. The learned counsel for the petitioners submits that the instant writ application has been filed for a direction upon the concerned authorities to inquire whether the acquired land of the petitioners is residential or commercial or agricultural, since the land of the petitioners have been acquired showing agricultural land, further for a direction to the concerned respondents to inquire regarding real owners of the acquired land because the lands of the petitioners have been shown to be of fake owners when petitioners are the real owners of the acquired land, further to give compensation amount against the acquired land of the petitioners after inquiring regarding real owner as well as nature of the land.

3. The learned counsel for the petitioners submits that all the petitioners in the instant writ application are purchasers of the land from the erstwhile land holders and after purchasing the land, the petitioners did not apply for creating *Jamabandi* in their name, hence *Jamabandi* was not created in their name, as such, it appears that the notification which was issued on



25.08.2023 for acquiring the land for the purposes of expansion of Kamla Bear Barrage does not include the name of the petitioner nos. 2, 3, 4 and 5.

4. The learned counsel for the petitioners next submits that from perusal of Notification dated 25.08.2023 (Annexure-1) which was issued for acquiring the land in question for the aforesaid purpose, describes the land of the petitioners as agricultural when the same is residential/commercial. It is next submitted that petitioners accordingly filed their objection before the Land Acquisition Officer, Madhubani bringing to his notice that the notification issued for acquiring the land in question does not record the name of real land holders i.e. some of the petitioners, further the lands have been wrongly described as agricultural when the same is residential/commercial, hence compensation be also decided after verifying the real owner of the land and after inquiring the nature of the land.

5. The learned counsel for the petitioners submits that the petitioners would be satisfied in the event if the writ application is disposed of with a direction to Land Acquisition Officer, Madhubani to decide the representation of the petitioners submitted by them on different dates as would manifest from Annexure-2 series to the writ application.



6. The learned counsel appearing on behalf of the State does not have any objection to the said submission made by the learned counsel appearing on behalf of the petitioners, but then submits that it may be a possibility that the representations filed by the petitioners before the Land Acquisition Officer, Madhubani may not be in the office of the Land Acquisition Officer, Madhubani, on which the learned counsel appearing on behalf of the petitioners submits that petitioners would file a fresh representation on or before 31.01.2025.

7. After hearing the learned counsel for the parties, the writ application is disposed of with a direction to the Land Acquisition Officer, Madhubani to consider and dispose of the representation of the petitioners, if filed on or before 31.01.2025 within a period of four months thereafter in accordance with law.

8. The writ application is disposed of.

(Satyavrat Verma, J)

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