

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.351 of 2025

1. Mamta Sinha @ Mamta Kumari daughter of Late Kalawati Devi and Late Nageshwar Prasad Singh, wife of Sri Anuj Kumar Singh, R/o Mohalla-Ramnagri More, Srinath Nagar Colony, P.S.-Rajeev Nagar, District-Patna.
2. Anuj Kumar Singh, S/o Late Nagendra Prasad Singh, R/o Mohalla-Ramnagri More, Srinath Nagar Colony, P.S.-Rajeev Nagar, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The Chief Secretary, Government of Bihar, Patna.
3. The Additional Chief Secretary, Revenue and Land Reforms, Government of Bihar, Patna.
4. The District Collector/Magistrate, Patna.
5. The District Land Acquisition Officer, Patna.
6. The General Manager, Indian Oil Corporation, Sipara, Patna.
7. The Regional Manager, IOCL, Sipara, District-Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Alok Ranjan, Advocate
For the Respondent/s : Mr. Sumant Kumar Singh, AC to GA-2

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 21-01-2025

Heard learned counsel for the petitioners and learned
counsel for the State.

2. The present Writ Petition has been filed for a direction to the respondents to remove the encroachment from the raiyati land of the petitioners and immediately remove the pipe line that has been laid on the land of the petitioners without following proper legal procedures, such as paying rent, initiating land acquisition proceedings or paying compensation.



3. Learned counsel for the petitioners submits that the Indian Oil Corporation Limited (IOCL) has been using the said land since 1965. Therefore, the petitioners are demanding compensation at the current market rate and rent from 01.04.1965 until the present date, along with penal interest @ 18% *per annum*. Learned counsel further submits that Indian Oil Corporation Limited (IOCL) should be added as a party respondent in the present proceedings, and notices should be issued to IOCL accordingly.

4. Learned counsel for the State, on the other hand, submits that the petitioners had earlier approached this Hon'ble Court by filing CWJC No. 7764 of 2023. The said writ petition was disposed of by an order dated 23.11.2023, granting liberty to the petitioners to file a fresh writ petition with detailed facts. Learned counsel further submits that, according to the petitioners' claim, the cause of action arose in 1965.

5. It transpires to this Court that, as per Annexure-P/2, the petitioner first filed an application in 1967, and subsequently, from 1967 to 1971, he filed several applications. However, no action was taken on these applications. It further transpires that, according to the pleadings, the Indian Oil Corporation Limited has been in possession of the land since



1965 and the petitioners, as mentioned in the Writ Petition, were aged 58 and 59 years, respectively, at the time of filing the present Writ Petition. This implies that the Indian Oil Corporation Limited has been in possession of the land even before the petitioners' birth. After a lapse of about 60 years, the petitioners are now claiming compensation, in the opinion of this Court, such a claim, after such an inordinate delay, is not appropriate. Therefore, on the grounds of delay, this Court is not inclined to interfere in the matter.

6. Accordingly, the present Writ Petition stands dismissed.

(Dr. Anshuman, J)

Ashwini/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25/01/2025
Transmission Date	NA

