

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1615 of 2019

In

Civil Writ Jurisdiction Case No.2711 of 2016

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1. Nityanand Sharma S/O Sharda Singh, resident of Village- Indrapur, P.S. Makhdumpur, District Jehanabad.
 2. Rakesh Kumar, S/O Sharda Singh, resident of Village- Indrapur, P.S. Makhdumpur, District Jehanabad.
 3. Om Prakash Sharma, S/O Sharda Singh, resident of Village- Indrapur, P.S. Makhdumpur, District Jehanabad.
 4. Lalita Devi, W/O Nagebndra Sharma, resident of Village- Taregna, P.S. Masaurhi, District- Patna.
 5. Geta Devi, D/O Late Tapeshwari Devi, W/O Srikant Sharma, resident of Village- Rasalpur, P.S. Tekari, District- Gaya.
 6. Reeta Devi, D/O Late Tapeshwari Devi, W/O Brajesh Sharma, resident of Village- Noni, P.S.- Tekari District- Gaya.

... .. Appellant/s

Versus

1. The State of Bihar through the chief secretary, Govt. of Bihar, Patna.
2. The Enginr in Chief, Road Construction Department, Bihar, Patna.
3. The Superintending Engineer, Road Construction Department, Gaya.
4. The Commissioner, Magadh Division, Gaya.
5. The District Magistrate, Jehanabad.
6. The Executive Engineer, Road Construction Department, Jehanabad.
7. The Circle Officer, Makhdumpur.
8. Sharda Singh, S/o Late Sakal Singh resident of Village- Indrapur, P.S. Makhdumpur, District Jehanabad.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. D.K. Sinha, Sr. Advocate
		Mr. Vinod Kumar, Advocate
For the Respondent/s	:	Mr. Raghavanand, Advocate
		Mr. Amit Anand, AC to GA-13

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ALOK KUMAR SINHA

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date : 16-09-2025



On 05.08.2025, we had passed the following order:-

“In the light of our previous order, Circle Officer, Jehanabad has furnished certified copy of the land records. It reveals the name of the Pratap Singh son of Kunwar Singh. His legal heirs are Nityanand Sharma, Rakesh Sharma and other appellants. Perusal of the revenue records, it stipulates in the remarks column that District Board of revenue is entitled to extract soil from the subject land. In other words, it is crystal clear that subject land stands in the name of Pratap Singh son of Kunwar Singh. Therefore, prima facie legal heirs of Pratap Singh, Nityanand Sharma and others are entitled to claim compensation insofar as utilisation of the Pratap Singh's land in the manner known to the law. It is also admitted fact that subject land has been utilized for the purpose of widening and construction of Makhdumpur to Paibigha road.

2. In this regard, District Magistrate, Jehanabad is hereby directed to secure complete records and determine the value of the land and what compensation appellant is entitled to, alongwith the interest. In this regard, he is hereby requested to file his personal affidavit by next date of hearing. Further orders would be passed insofar entitlement of compensation along with the interest.



3. Relist this matter on 02.09.2025.

4. Copy of this order made available to the State counsel- Mr. Raghvanand.

5. Personal appearance of Circle Officer, Jehanabad stands dispensed with until further orders.”

2. Pursuant to the aforementioned order, instead of filing personal affidavit, counter affidavit has been filed on behalf of Respondent No. 5 (District Magistrate, Jehanabad). In Paragraph-7, it is stated as under:-

“7. That the Land Acquisition Section was thereafter directed to prepare a valuation report in accordance with the prevailing circle rates and the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. As per the Report submitted vide Letter No. 1109 dated 28.08.2025, the compensation amount has been assessed at Rs. 9,93,920/- (Rupees Nine Lakh Ninety-Three Thousand Nine Hundred and Twenty only). The calculation has been made @ Rs. 16,000/- per decimal for the total acquired area of 15.53 decimals, amounting to Rs. 2,48,480/-, which, when multiplied by the statutory factor of four, comes to a total of Rs. 9,93,920/-.”



3. In the light of the aforementioned development, the present LPA stands disposed of directing the District Magistrate, Jehanabad to take further action and complete the proceedings including payment of interest in terms of statutory provision within a period of three months from the date of receipt of this order, failing which appellants are permitted to revive this case in the form of Interlocutory Application for the reason that subject land was acquired on 23.01.2015 and the official respondents have not settled compensation along with interest as on this date. If the appellants are not satisfied with the fixation of compensation and interest, they are at liberty to invoke appropriate remedy with the concerned forum.

(P. B. Bajanthri, ACJ)

(Alok Kumar Sinha, J)

P.K.P./-

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CAV DATE	
Uploading Date	18.09.2025
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