

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2268 of 2026

1. Sidheshwar Singh s/o Late Sohan Lal, R/o House No. 9, Dujra Devi Sthan, S.B.I. Front Lane, Durja, P.S.- Buddha Colony, District- Patna.
2. Msmt. Anita Kumari, W/o Late Anant Kumar, S/o Late Sohan Lal, R/o House No. 9, Mukhiyaji Ki Gali, Durja, P.S.- Buddha Colony, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
3. The District Magistrate-cum-Collector, Patna.
4. The Bihar Urban Infrastructure Development Corporation through its Managing Director having office at West Boring Canal Road, North Anandpuri, Buddha Colony, District- Patna.
5. The Project Director, Bihar Urban Infrastructure Development Corporationh, West Boring Canal Road, North Anandpuri, Buddha Colony, District- Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Sudarshan Kumar, Advocate
For the Respondents	:	Mrs.Kumari Anita, GP 3
		Mr.Rajesh Kumar, AC to GP 3

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 12-02-2026

Heard Mr. Sudarshan Kumar, learned counsel appearing on behalf of the petitioners and Mrs. Kumari Anita, learned GP 3 along with Mr. Rajesh Kumar, learned AC to GP 3 for the State.

2. The petitioners in paragraph no. 1 of the present writ petition have sought *inter alia* following relief(s), which is reproduced hereinafter:-



“a) For issuance of a writ in the nature of mandamus directing and commanding the Respondent authorities to forthwith restrain from carrying out any construction or project activity on the private land of the Petitioners situated at Khata No. 65, Khesra No. 50, Area 64 Decimal, Circle Patna Sadar, Mouja - Durja, District- Patna after conducting a Fresh Scientific Mapping and Demarcation.

b) Further for declaration and holding that the land bearing Khata No. 65, Khesra No. 50, Area 64 Decimal, Circle - Patna Sadar Mouja-Durja, District- Patna is private, ancestral property of the Petitioners and not a Government land, and therefore, the Respondent authorities have no right, title, or interest to encroach upon or occupy the said land without initiating valid land acquisition proceedings and providing due compensation as prescribed by the law.

c) For a direction to the Respondents to strictly ensure that no encroachment is made on the private holding of the Petitioners and in the event the land is required for a public project, the Respondents must either provide Alternative Settlement/Land or pay Just and Fair Compensation at current commercial market rates to the Petitioners.

d) To direct the Respondent District Magistrate and Circle Officer, to immediately act upon the pending application for mapping and demarcation to protect the Petitioners' property from state-sponsored encroachment.

e) Further for a direction to the Respondent authorities to maintain status quo during pendency of this application and not to start the construct work anymore and further to restore the peaceful possession of the said land to the Petitioners in the same condition as it existed prior to the initiation of the project over the said land.

f) Also for a direction to the Respondent State to pay adequate and exemplary compensation to the Petitioner for the illegal deprivation of property in violation of Article 300A of the Constitution of India and the mental agony,



harassment, sufferings undergone by the Petitioner and also for violation of personal liberty (Article 21).

g) For grant of any other relief or relief to which the petitioner is found entitled in the facts and circumstances of this case.”

3. The brief facts of the case are that the petitioners are the lawful owners of the land bearing Khata No. 65, Khesra No. 50, measuring total 64 decimals, situated at Mauza No. 4 (Dujra), Circle-Patna Sadar, District-Patna and they have peaceful possession over the same. The petitioners are grandson of Late Ramdhyan Gope and their said grandfather had come in possession on the basis of a registered *Kewala* dated 19.02.1930. After the demise of Late Ramdhyan Gope, the petitioners' father, namely, Late Sohan Lal got the land mutated in his name vide order dated 22.02.2011, resulting in creation of Jamabandi No. 310 and the rent was fixed, which the petitioners are continuously making payment to the State. After the death of the petitioners' father on 07.03.2018, the petitioners, being his legal heirs, succeeded the property and continued to remain in possession thereof. The Land Possession Certificate has also been issued by the Circle Officer, Patna Sadar.

4. It is alleged that in December 2025, the Respondent-Bihar Urban Infrastructure Development Corporation Limited, under the pretext of a proposed project,



namely J.P. Memorial Park, allegedly encroached the petitioners' private land by erecting pillars and filled the sand without issuing any notice in accordance with law. No approval has been sanctioned for the acquisition of the said land

5. Being aggrieved, the petitioners submitted a representation dated 11.12.2025 before the Managing Director and Project Officer of the Respondent Corporation seeking fresh scientific mapping and demarcation of the land and also filed an application before the Circle Office, Patna Sadar on 06.01.2026 along with requisite government fee for the same but when no action has been taken till date, as a result, the petitioners has been forced to file the present writ petition.

6. Considering the nature of reliefs as prayed for in the present writ petition that the petitioners being aggrieved had filed an application before the District Land Acquisition Officer, Patna, who without considering the documents, which confers undisputed title over the piece of land, acquired the land in question for development of J.P.Memorial Park even without following due process of law and in accordance with the mandate of Article 300A of the Constitution of India, the petitioners become entitled for due compensation or return of their land. Law in this regard is well settled by the Apex Court



in case of *Vidaya Devi Vs. The State of Himachal Pradesh & Ors.* reported in **2020(2) SCC 569**, I find it proper to quote the para-12.1 and 12.2 of the said judgment, which are *inter alia* reproduced hereinafter;

“12.1. The appellant was forcibly expropriated of her property in 1967, when the right to property was a fundamental right guaranteed by Article 31 in Part III of the Constitution. Article 31 guaranteed the right to private property [State of W.B. v. Subodh Gopal Bose, (1953) 2 SCC 688 , which could not be deprived without due process of law and upon just and fair compensation.

12.2. The right to property ceased to be a fundamental right by the Constitution (Forty-Fourth Amendment) Act, 1978, however, it continued to be a human right [Tukaram Kana Joshi v. MIDC, (2013) 1 SCC 353 in a welfare State, and a constitutional right under Article 300-A of the Constitution. Article 300-A provides that no person shall be deprived of his property save by authority of law. The State cannot dispossess a citizen of his property except in accordance with the procedure established by law. The obligation to pay compensation, though not expressly included in Article 300-A, can be inferred in that Article. [K.T. Plantation (P) Ltd. v. State of Karnataka, (2011) 9 SCC 1”

7. The above proposition of law has again been reiterated by the Apex Court in the case of *Dharnidhar Mishra (D) and Another vs. State of Bihar and Others*, in Civil Appeal No. 6351 of 2024, reported in **(2024) 10 Supreme Court Cases 605**, is relevant. The paragraph is reproduced as under:—

“ 16. The right to property ceased to be a fundamental right by the Constitution (Forty-fourth Amendment) Act, 1978, however, it continued to be a human right in a welfare State, and a constitutional right under Article 300-A of the Constitution. Article 300-A provides that no person shall be deprived of his property save by authority of law. The State cannot dispossess a citizen of his property except in accordance with the procedure established by law. The obligation to pay compensation, though not expressly included in Article 300-A, can be



inferred in that Article. [See: K.T. Plantation (P) Ltd. v. State of Karnataka [K.T. Plantation (P) Ltd. v. State of Karnataka, (2011) 9 SCC 1.]”

8. The District Land Acquisition Officer is directed to call for the revenue records from the concerned Circle Office by summoning the Circle Officer to appear before him so that the claim of the petitioners can be decided for payment of due compensation in accordance with law well within a period of six weeks from the date of communication of this order by passing a reasoned order in accordance with law or in alternative, the petitioners are entitled for the return of vacant land in question.

9. With the above observation/direction, the present writ petition stands disposed of.

(Purnendu Singh, J)

chn/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.02.2026
Transmission Date	NA

