

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2032 of 2026

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1. Jai Prakash Kumar S/O. Pannu Saw, Resident of Mohalla/Village-Gaurichak, P.O.-Fatehpur, P.S.-Gaurichak, District-Patna, State-Bihar, PIN-803206.
 2. Om Prakash Kumar S/O. Pannu Saw, Resident of Mohalla/Village-Gaurichak, P.O.-Fatehpur, P.S.-Gaurichak, District-Patna, State-Bihar, PIN-803206

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Revenue and Land Reforms Department, Government of Bihar, Main Secretariat Building, Patna, Bihar.
2. The District Magistrate -cum-Collector, Patna, Bihar.
3. The District Land Acquisition Officer, Patna, Bihar.
4. The Circle Officer, Patna Sadar, Patna, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Bishwa Bibhuti Kumar Singh, Advocate
For the Respondent/s	:	Mr. Vivek Prasad, GP 7
		Mr. Sanjay Kumar, AC to GP(7)

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 12-02-2026 Heard Mr. Bishwa Bibhuti Kumar Singh, learned counsel appearing on behalf of the petitioners and Mr. Vivek Prasad, learned GP 7 along with Mr. Sanjay Kumar, learned AC to Government Pleader (7) for the State.

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

“1. That the present writ application is being filed for issuance of a writ or direction to the respondents for the following reliefs: -

(i) For issuance of a writ in the nature of



Mandamus, or, a direction or, order to the respondents no. 2 to 4 to make payment of compensation along with applicable interest for the land of the petitioners comprising under Mauza-Pahari (East of Masaurhi Road), Revenue Thana No.14, Khata No.444, Tauzi No.15826, Khesra No.1674, area 2.1235 Decimals which has been acquired by the respondent no.2 and 3 for development of Metro Rail Project for construction of Patna Metro Rail Depo.

(ii) For issuance of a direction to make an Award in favour of the petitioners and further to pay compensation as per the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RFCTLARR Act).

(iii) Any other writ or writs/ direction /order as this Hon'ble Court may deem fit and proper for the end of Justice."

3. Learned counsel appearing on behalf of petitioners submitted that the petitioners are the owners of the land appertaining to Mauza-Pahari (East of Masaurhi Road), Revenue Thana No.14, Khata No.444, Tauzi No.15826, Khesra No.1674, area 2.1235 Dismil, which has been acquired by the respondent no.2 & 3 for development of Metro Rail Project for construction of Patna Metro Rail Depo. The said piece of land was purchased by the petitioners from one Basuki Sharma alias Bashukinath Sharma, S/O Late Ramanugrah Sharma, resident of village-Belsar, Post-Malhar, P.S.-Aurangabad, District-Aurangabad vide a valid registered Sale Deed no.847, dated 13.01.2020 pursuant to which award was prepared in the name of the petitioners and not in the name of the concerned Ganesh Dutta Sahkari Grih Nirman Samiti Ltd. (Registration.



No.159/Pat./1981), Kankarbag. The said Basuki Sharma alias Bashukinath Sharma had purchased the said land *vide* a Registered Sale Deed dated 12.08.1993 from Ganesh Dutta Sahkari Grih Nirman Samiti Ltd. (Registration. No.159/Pat./1981), Kankarbag. After purchase of the land from Basuki Sharma alias Bashukinath Sharma, mutation of the said piece of land has been done in favour of the petitioners in Mutation Case No.13590/R27 (2019-20) and Jamabandi has been created by the Circle Officer, Patna Sadar and thereafter, petitioners are paying revenue rent regularly to the State of Bihar. After purchase of the said land the petitioners were in peaceful possession of the said piece of land and for that effect, a Land Possession Certificate No.2670/2022-23 dated 16.12.2022 has also been issued by the Circle Officer, Patna Sadar. He submitted that a representation dated 29.05.2023 for compensation has been filed before the District Land Acquisition Officer, Patna but till date the compensation has not been paid to the petitioners though he admitted that notice in the name of the petitioners was issued for declaring the plots of the petitioners to be acquired on the basis of the entries made in the revenue records, which shows rightful possession of the petitioners and their title over the said property.



4. *Per contra*, learned counsel appearing on behalf of the State, who has filed a counter affidavit online and a hard copy of the same has been produced before this Court which is required to be filed in physical mode, submitted that as per the report of the Circle Officer the land purchased by the petitioners is under Ganesh Dutta Sahkari Grih Nirman Samiti Ltd, whereas, after measurement it was found the said land belongs to the Jagdhar Sahkari Grih Nirman Samiti Ltd and in such circumstances, the relief(s), as sought for in the present writ petition, for payment of due compensation, is not sustainable and accordingly, the present writ petition is fit to be dismissed.

5. Heard the parties.

6. Considering the admitted fact that the petitioners purchased the land in question from one Basuki Sharma alias Bashukinath Sharma *vide* a valid registered Sale Deed no.847, dated 13.01.2020 appertaining to Khata No. 444, Tauzi No.15826, Khesra No.1674, area 2.1235 Dismil and the records of the award has been prepared in the name of the petitioners and not in the name of the concerned Ganesh Dutta Sahkari Grih Nirman Samiti Ltd. (Registration. No.159/Pat./1981), Kankarbag, as well as, considering the counter affidavit, in which no objection has been made by the Secretary of either



Ganesh Dutta Sahkari Grih Nirman Samiti Ltd. or Jagdhar Sahkari Grih Nirman Samiti Ltd., I find that the Circle Officer concerned is duty bound to issue no objection certificate to the petitioners and give such information to the Land Acquisition Officer, Patna, so that, due compensation is to be paid to the petitioners in accordance with the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

7. Accordingly, the present application stands disposed of.

(Purnendu Singh, J)

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