

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10423 of 2016

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1. Ram Kumar Lal Das Son of Late Harsh Narayan Lal Das Resident of village P.O. Kharajpur, P.S. Bahadurpur, District - Darbhanga
 2. Shankar Kumar Lal Das Son of Late Harsh Narayan Lal Das Resident of village P.O. Kharajpur, P.S. Bahadurpur, District - Darbhanga

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, Darbhanga.
3. The Land Acquisition Officer, Darbhanga
4. The Special Land Acquisition Officer, Darbhanga

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ratan Kumar Kunwar, Advocate
	:	Ms. Ritambara Kumari, Advocate
	:	Mr. Prasoon Kumar, Advocate
For the State	:	Mr. Devendra Kr. Sinha, AAG-2

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 09-02-2026 Heard Mr. Ratan Kumar Kunwar, learned counsel for

the petitioners and learned State counsel representing the State.

2. The present petition has been preferred for the
grant of following relief(s):

*“for issuance of writ of mandamus for
commanding the respondents to implement the
order/judgment dated 09.06.1997 passed by the
Special Land Acquisition Judge, Darbhanga
passed in Land Award Case No 37/1981,
38/1981 and 1/1982 bearing Award No. 2,
Khesra No. 702, Area 0.11 decimal, Land*



Acquisition Case No. 38/1981, Award No.3, Khesra No. 702 cost of building/house and Land Acquisition Case No. 1/1982, Award No. 27, Khesra No. 703, 74, 706, Khata No. 561, area-0.07, 0.09, 0.07 and 0.22 decimal whereby and where under the Land Acquisition Officer, Darbhanga, acquire the homestead land in Darbhanga district but compensation amount not paid to the petitioner than the petitioner filed aforesaid case before in the court of Special Land Acquisition Judge, Darbhanga in aforementioned land acquisition case after hearing the parties learned court dispose of all three cases and directed to District Land Acquisition Officer, Darbhanga to pay the compensatino amount and to additional compensation of 30% and interest 9% per annum. But till today the respondent concerned not paid any compensation amount till today. And/or pass such order/orders, direct on as your Lordships may deem fit and proper.”

3. After some argument, learned counsel for the



petitioners submit that they shall be moving before the Collector, Darbhanga alongwith the facts of the case, order of the High Court as also the orders passed in First Appeal so that he/she can take a decision.

4. Learned State counsel has taken this Court to the counter affidavit filed on behalf of the respondent no. 2 and 3 i.e. the Collector, Darbhanga and the District Land Acquisition Officer, Darbhanga on 01.07.2024 and as per paragraph no.6, First Appeal No. 427 of 2001 and 428 of 2001 are pending before this Court.

5. Learned counsel for the petitioner has provided order sheet of First Appeal No. 427 of 2001 (State of Bihar & Ors. vs. Harsh Narayan Das) to show that the State withdrew this appeal on 29.10.2013. The short order passed by the coordinate Bench is recorded hereinbelow:

“In view of the notification by the State Government in the year 2010, Mr. Binod Kumar, the learned counsel appearing for the appellants prays to withdraw this appeal.

The prayer is allowed.

The appeal is dismissed as withdrawn.”

6. It is unfortunate that the State withdrew the First



Appeal in 2013, an affidavit is filed 11 years later, claiming that First Appeal No. 427 of 2001 is pending.

7. It seems no one is accountable in the district and do not even bother to go through the website of Patna High Court to check the Status of First Appeal. Whether it is the creator of the statement of fact or those who signed the said SOF and/or those who were dealing with its ultimate draft/filing.

8. This Court can only record that when it has come that one of the First Appeal has been withdrawn in the year 2013 itself, the claim of the petitioner that he be allowed to agitate the matter before the Collector, Darbhanga, has to be considered and allowed.

9. In that background, the writ petition is disposed of allowing the petitioners to agitate before the Collector, Darbhanga in next eight weeks alongwith all the sufficient documents who shall be looking into the matter and after noticing/hearing the parties, has to pass a reasoned order in accordance with law at an earliest.

(Rajiv Roy, J)

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