

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4946 of 2023

1. Sushila Devi Wife of Late Ram Narayan Singh, Resident of of Village-Manglichak, P.O.- Suitha, P.S.- Parsa Bazar, District- Patna, presently residing at House No. A/200, P.C.Colony, Opposite Jay Prabha Blood Bank, P.O.- Lohia Nagar, P.S.- Kankarbagh, District- Patna.
2. Om Prakash Singh Son of Late Ram Narayan Singh, Resident of of Village-Manglichak, P.O.- Suitha, P.S.- Parsa Bazar, District- Patna, presently residing at House No. A/200, P.C.Colony, Opposite Jay Prabha Blood Bank, P.O.- Lohia Nagar, P.S.- Kankarbagh, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Secretary, Land Reforms and Rehabilitation, Govt. of Bihar.
3. Divisional Commissioner, Patna Commissionery, Patna.
4. The District Magistrate, Patna.
5. The District Land Acquisition Officer, Patna.
6. The Circle Officer, Phulwarisharif, Patna.
7. The Circle Officer, Patna Sadar.
8. Sanyukta Singh Wife of Late Shyam Narayan Singh, Resident of Village-Manglichak, P.O.- Suitha, P.S.- Parsa Bazar, District- Patna.
9. Jay Prakash Son of Late Shyam Narayan Singh, Resident of Village-Manglichak, P.O.- Suitha, P.S.- Parsa Bazar, District- Patna.
10. Prashant Kumar Son of Late Shyam Narayan Singh, Resident of Village-Manglichak, P.O.- Suitha, P.S.- Parsa Bazar, District- Patna.
11. Kamlesh Singh Son of Late Jag Narayan Singh, Resident of Village-Manglichak, P.O.- Suitha, P.S.- Parsa Bazar, District- Patna.
12. Manish Kumar Son of Sri Kamlesh Singh, Resident of Village- Manglichak, P.O.- Suitha, P.S.- Parsa Bazar, District- Patna.
13. Anish Kumar Son of Sri Kamlesh Singh, Resident of Village- Manglichak, P.O.- Suitha, P.S.- Parsa Bazar, District- Patna.
14. Arvind Kumar Son of Late Jag Narayan Singh, Resident of Village-Manglichak, P.O.- Suitha, P.S.- Parsa Bazar, District- Patna.
15. Anjani Kumar Son of Sri Arvind Kumar Singh, Resident of Village-Manglichak, P.O.- Suitha, P.S.- Parsa Bazar, District- Patna.
16. Neeraj Kumar Son of Sri Arvind Kumar Singh, Resident of Village-Manglichak, P.O.- Suitha, P.S.- Parsa Bazar, District- Patna.
17. Subodh Kumar Son of Sri Arvind Kumar Singh, Resident of Village-Manglichak, P.O.- Suitha, P.S.- Parsa Bazar, District- Patna.
18. Prakash Charlie Sinha Son of Late Dheo Narayan Singh @ Sheo Narayan Sinha, Resident of 50 Lexington Ave, Suite 154, New York, N.Y.- 10010



19. Gunjan Pinki Sinha @ Gunjan Sinha Daughter of Late Sheo Narayan Sinha, Resident of Kollwitzstr. 10 Berlin 10405, Germany.
20. Nilam Kumari Wife of Sri Anil Kumar Sinha and Daughter of Late Ram Narayan Singh, Resident of Village- Bhupatipur, P.O.- Delwa, P.S.- Ram Krishna Nagar, District- Patna- 800020
21. Pratibha Sinha Wife of Sri Rakesh Kumar and Daughter of Late Ram Narayan Singh, Resident of Flat No. E/4, Nirmal Residency, Near Bank of India, Babudih, Polytechnic Road, P.S.- Sadar Dhanbad, District- Dhanbad- 828130
22. Juli Kumari Wife of Sri Gautam Kumar and Daughter of Late Ram Narayan Singh, Resident of Village- Simra, P.O.- Parsa, P.S.- Parsa Bazar, District- Patna- 804453
23. Sanju Kumari Wife of Sri Pankaj Kumar Sinha and Daughter of Late Ram Narayan Singh, Resident of Mohalla- Harish Chandra Nagar, P.O.- Dhelwan, P.S.- Beur, District- Patna.
24. NHAI, through Project Director, P.I.U. Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Abinash Kumar, Advocate
For the Respondent/s	:	Mr. Sajid Salim Khan (SC-25)
		Mr. Arif Daula Siddiqui, AC to SC-25
For the NHAI	:	Ms. Preety Ranjan, Advocate
For the Resp nos. 20-23	:	Mr. Aditya Nath Pandey, Advocate
For the Resp nos. 18&19:	:	Mr. Uday Bhanu Rai, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

11 21-04-2026 Heard Mr. Abinash Kumar, learned counsel for the petitioners, Mr. Uday Bhanu Rai, learned counsel for the respondent nos. 18 and 19 duly assisted by Ms. Divya Kiran, Mr. Arif Daula Siddiqui, AC to SC-25, Mr. Aditya Nath Pandey for the respondent nos. 20 and 23 and Ms. Preety Ranjan, learned counsel representing 'the NHAI'.

2. The present petition has been preferred for the following relief/s:

“(i) for issuance of direction / directions



upon the Respondent 1st set for releasing 25% of compensation amount with stipulated interest in to favour of petitioner with respect lands appertaining to Khata No. 3, Khesra No.250, Area 0.150731 Acre, Khata No.3, Khesra No.251, Area 0.04942 Acre, Khata No. 18, Khesra No.256, Area 0.160615 Acre, Khata No. 18, Khesra No.257, Area 0.029652 Acre, Khata No. 56, Khesra No.258, Area 0.400302 Acre, Khata No. 79, Khesra No.259, Area 0.303933 Acre, Khata No. 18, Khesra No.262, Area 0.264397 Acre, Khata No. 69, Khesra No.264, Area 0.108724 Acre & Khata No.37, Khesra No.265, Area 0.145789 Acre acquired through Land Acquisition Case No. 51 of 2013-14 and 43 of 2015-16 situated at Mauza Mahull as well as lands appertaining to Khata No.488, Kheera No 2745, Area-0.059304 Acre, Khata No. 240, Khesra No. 2768, Area-0.158144 Acre, Khata No. 240, Kheera No. 2770, Area-0.170400 Acre, Khata No.310, Kheera No. 2775, Area-0.020052 Acre, Khata No.370, Kheera No. 2024, Area-0.0247



Acre, Khata No.175, Khesra No. 2767, Area-0.284105 Acre, Khata No.528, Kheara No. 2800, Area 0,400302 Acre, Khata No.480, Khesra No. 2898, Area-0.429954. Aere, Khata No.370, Khesra No. 2020, Area-0.23005 Acre, Khata No.385, Kheara No. 2927, Area-0,294049 Acre acquired under Land Acquisition Case No. 49 of 2013-14 & 44 of 2015-16 situated at Mauza Suitha for construction of Patna-Gaya-Dobhi National Highway Road.”

3. The land, as recorded above, was acquired for the construction of **Patna-Gaya-Dobhi National Highway Road (National Highway-83)**. The claim of the petitioners is/are that though the other agnates have received the part of the compensation amount, it has been denied to them.

4. The record shows that earlier the agnates were fighting **Title Suit No. 12 of 2018 (Omprakash Singh vs. Prakash Charlee Sinha and others)** which culminated into an order passed on **29.10.2024** wherein excluding the property **(A-200 P.C. Colony Kankarbagh, Patna [Holding No. 149/101/200A])** for which **Om Prakash Singh** has filed **Civil Misc. No. 796 of 2022**, with regard to all other lands which



include the lands in question which has been acquired, the Court came to the conclusion as follows:

“However, after hearing both the sides, vide order dated 23.09.2022 the property A-200 P.C. Colony Kankarbagh, Patna, P.S. Kankarbagh, Holding No. 149/101/200A, (40' x 80 3200 Sq. ft.) had been deleted. The plaintiff has preferred Civil Misc. No. 796 of 2022 against the order dated 23.09.2022 of this court which is still sub-judice.

Thus, the instant judgment is being passed with respect to all the properties except the property A-200 P.C. Colony Kankarbagh, Patna, P.S. Kankarbagh, Holding No. 149/101/200A, (40' x 80'= 3200 Sq. ft.). The defendant nos. 3 and 4 have specifically admitted through their petition dated 25.11.2022 that they would have no objection if the plaintiff is granted relief as sought. Both the parties have admitted unity of title and possession with respect to the suit property.

Thus, the instant suit is hereby decreed



and it is ordered that plaintiff Mr. Om Prakash Singh, defendant no. 6 Ms. Nilam Kumari, defendant no. 7 Ms. Pratibha Sinha, defendant no. 8 Ms. Juli Kumari, defendant no. 9 Ms. Sanju Kumari and defendant no. 10 Ms. Shushila Devi are jointly entitled to the 1/2 of the suit property as enumerated in the Schedule I of the plaint. Further, defendant no. no. 3 Mr. Charli Sinha and defendant no. 4 Ms. Gunjan Sinha are entitled to rest 1/2 of the suit property as enumerated in Schedule I of the plaint.

Having regard to the facts and circumstances of the case, parties are left to bear the cost at their own.

Office is directed to prepare preliminary decree accordingly.

All pending petitions stand disposed of being infructuous.

Put up on 04.12.2024 for receipt of order of the Hon'ble High Court with respect to Civil Misc. No. 796 of 2022 as well as for further proceedings.”



5. The aforesaid order which has not been challenged by any of the parties (plaintiff/defendants) shows that while the petitioner and his sisters are entitled to half of the share, Charlie Sinha and the other defendant, Gunjan Sinha are entitled to the rest half of the share. It is reiterated that the Civil Misc. No. 796 of 2022 has been preferred for the property at Kankarbagh, Patna which is not part of the acquisition which took place for Patna-Gaya-Dobhi road.

6. Learned counsel for the petitioner submits that while Charlie Sinha and Gunjan Sinha were paid part of the amount, rest admittedly, has been not disbursed so far as the petitioner-widow and son of late Ram Narayan Singh are concerned. In sum, they have not been given a single penny.

7. Mr. Uday Bhanu Rai representing the respondent Charlie Sinha and Gunjan Sinha accepts the petitioners version and submits that the land belongs to them. The **Title Suit No. 12 of 2018** has clearly recorded that both the parties are entitled to half of the share, the matter which is pending before the competent Court filed by the petitioner relates to a property at Kankarbagh and nothing to do with the present acquisition. Though the respondents have provided some amount but the entire amount is still awaited.



8. On 10.03.2026, this Court directed the petitioner to approach the District Land Acquisition Officer, Patna on 25.03.2026 who shall be taking up the matter further and shall be filing an affidavit in this regard.

9. Today, on call, the affidavit has come which include the affidavit filed by the District Land Acquisition Officer, Patna and in paragraph nos. 6 and 7, it has been recorded that a **Title Partition Suit No. 50 of 2015** is pending before the learned Sub Judge-1st, Patna and as such, due to the said dispute, payment could not be made.

10. Learned counsel for the petitioner as also learned counsel representing respondent nos. 18 and 19 jointly submit that Jagnarayan Singh and others have been made party respondents in the present case, they were accordingly put on notice on 18.03.2024, have appeared by filing *vakalatnama* but are not opposing the prayer of the petitioners.

11. This Court has taken note of the appearance of the respondents and the contention of the petitioners is/are true.

12. The further submission is that the Title Suit No. 50 of 2015 relates to different land and it is not the case of the respondents that so far as the land that has been acquired, they



have not made part payment to Charlie Sinha and Gunjan Sinha as also other respondents. In fact, Jagnarayan Singh and family have already received entire compensation amount so far as the present acquisition is concerned.

13. Having heard the parties and going through the aforesaid facts/records, it is not the case of the respondent-State that any objection has been raised by anyone much less the family of the Jagnarayan Singh before the DLAO, Patna regarding payment of the compensation amount to the petitioners/respondent nos. 18 and 19.

14. In that background, the points put forward by the respondents as put on affidavit by the District Land Acquisition Officer, Patna about pendency of Title Suit No. 50 of 2015 has to be rejected.

15. The petitioners have clearly made out their case. They are, as such, entitled to the compensation amount if no objection is there in the office of the District Land Acquisition Officer, Patna against the payment that is to be made.

16. In that background, the writ petition stands disposed of directing the concerned Officer to release the amount in favour of the petitioners on the basis of the order passed in **Title Suit No. 12 of 2018 (Omprakash Singh vs.**



Prakash Charlie Sinha and Anr.) which has not been challenged by any of the parties and/or Jagnarayan Singh and family.

17. Needless to add, the petitioners/respondent nos. 19 and 19 shall be filing an affidavit to the effect that in case it is found that some other claimants was/were entitled to the amount, they are ready to face the legal consequences. They shall be further filing an affidavit that Title Suit No. 50 of 2015 is not related to the present land.

18. With the aforesaid observation, the writ petition stands disposed of. Pending, Interlocutory Application, if any, also stands disposed of.

(Rajiv Roy, J)

Adnan/-

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