

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20932 of 2014

=====

Razaullah Ansari Son of Late Md. Hbib Resident of Village - Rangabigha,
P.O.- Manika, P.S.- Madanpur, District - Aurangabad

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, Aurangabad
3. The Deputy Development Commissioner, Aurangabad
4. The Land Acquisition Officer, Aurangabad
5. The Executive Engineer, Rural Works Department- 3, Aurangabad
6. The Executive Engineer Road Construction Department, Aurangabad.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Purushotam Sharma, Advocate
For the Respondent/s : Mr.Venketesh Kirti, JC to GA-02

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

8 09-02-2026 Heard Mr. Purushotam Sharma, learned counsel for

the petitioner and the State.

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

*(i) for issuance of a writ in the nature of a
writ of mandamus commanding the
respondent authorities not to acquire the
raiyyati land of the petitioner for construction
of survey road in deviation of sanctioned
road as the land of the petitioner has never
been acquired as per the provisions of land*



Acquisition Act, 1894;

(ii) for holding that any deviation from the sanctioned road map is not permissible as the same is infringement upon the rights of the petitioner as well as transgression of vested power on the part of the respondent authorities;

(iii) for any other relief/(s) applicable in the facts and circumstances of the case.

3. The matter relates to a piece of land (Plot No. 281, Khata No. 25 under Madanpur Circle, in the district of Aurangabad).

4. The petitioner claims it to be a raiyati land and alleges that without notice/acquisition/compensation, construction of road took place. The submission is that the same is further to be extended and now a notice has been issued by the office of District Land Acquisition Officer, Aurangabad on 05.07.2024 (Annexure-P/7 to the supplementary affidavit).

5. Counter affidavits have come and all the three wings of the State namely District Land Acquisition Officer, Aurangabad, Rural Works Department, Aurangabad as also the Road Construction Department, Aurangabad have raised their



hands and the affidavits filed through the same office have transferred the responsibility on the other wing.

6. If the claim of the petitioner is accepted, he is suffering due to attitude of the respondents and if any construction has taken place on his raiyati land, he is definitely entitled to the compensation and approaching the Court belatedly cannot be the ground for denial of any compensation for which a proper notice which should have been issued to him at the first instance itself. These facts have been recorded under the belief that the land of the petitioner has also been taken during the construction of the road in the year 2008-09.

7. In that background, with the consent of the parties, the petitioner is directed to approach the respondent no.02, the District Magistrate cum Collector, Aurangabad in next eight weeks alongwith with all the documents in support of his claim and the concerned respondent on receipt of it shall be summoning the District Land Acquisition Officer, Aurangabad, the Executive Engineer, Rural Works Department, Aurangabad as also the Executive Engineer, Road Construction Department, Aurangabad and after hearing the parties and perusing the records, shall be passing a reasoned order in the matter.

8. Needless to add, if the petitioner is entitled to the



benefit, the same has to be extended to him in accordance with law.

9. The writ petition is disposed of with the aforesaid observation.

(Rajiv Roy, J)

Ravi/-

U			
---	--	--	--

