

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5917 of 2015

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Dilip Narain Roy, son of Late Bijay Narain Roy, Residence: Shiv Mandir Road, Line Bazar, Purnea, P.S.K. Hat, Sahayak, P.O.-Purnea, District-Purnea, Pin-854301

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat, Patna.
2. Principal Secretary, Government of Bihar, Revenue and Land Reforms Department, Old Secretariat, Patna.
3. Principal Secretary, Government of Bihar, Road Construction Department, Patna.
4. Director of Land Acquisition, Bihar, Patna.
5. Divisional Commissioner, Purnea Division, Purnea.
6. Collector, Katihar.
7. Additional Collector, Katihar.
8. Sub Divisional Officer, Sadar, Katihar.
9. Land Reforms Deputy Collector, Katihar.
10. District Land Acquisition Officer, Katihar.
11. Circle Officer, Korha, P.S. Korha, District - Katihar.

..... Respondent Ist Set.

12. Executive Engineer, P.W.D. (Road), Katihar.
13. Executive Engineer, National Highway Division, Purnea (N.H. 131A)

..... Respondents 2nd Set

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Appearance :

For the Petitioner/s	:	Mr. Y.V. Giri, Sr. Adv. Mr. Jai Krishna Prasad, Adv.
For the Respondent/s	:	Mr. Wasi Ahmad Khan, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 27-01-2026 Heard Mr. Y.V. Giri, learned Senior Counsel for the

petitioner and Mr. Wasi Ahmad Khan representing the State.

2. The present application has been preferred for the
following relief(s):

*That the petitioner being,
undisputedly, the owner of his ancestors
RAIYATI LAND, (situated in village Rautara
Thana Korha Thana No.152 R.S. Khata no.
316, recorded in father's name, R.S.Plots*



1838 area 2-13 acres and 1839 area 1.81 acres, District-Katihar)is aggrieved with the arbitrary and Capricious actions of the State Respondents of widening of pitch road on the eastern side (Purnea Katihar pitch road) covering the above said land, measuring 84 decimals, just near-PALTANIA MARKET of high commercial value,flagrently violating the mandatory provisions of The Land Acquisition Laws, seeks gracious indulgence of this Hon'ble Court, having unfettered powers for issuance of writ of Mandamus or other appropriate writ or writs or orders or direction for the following RELIEFS:-

(i) That "the widening of the road", as stated above to the extent of 84 dec. of land be declared thoroughly unconstitutional and violative of the provisions of Sections 11, 12,15,19,20,21,26,27,29,29 and 30 of Chapter IV of "The Right to Fair Compensation and Transparency in Land Acquisition Re-habilitation and Resettlement Act, 2013 and hence out and out illegal and unsustainable in the eye of law,i.e. void.

(ii) That therefore, the State Respondents be directed to take resort to the provisions of the above cited Act for declaring award and making payment of reasonable compen-sation along with interest for irreparable loss caused for the



negligent and capricious acts of grabbing petitioner's land.

3. The matter relates to land in the District of Katihar and the details are as follows:

Village- Rautara;

Thana- Korha No. 152;

Khata No. - 316;

R.S. Plot No.- 1838 (area- 2.13 acres) and

1839 (area- 1.81 acres) in the district of Katihar.

4. The case of the petitioner as narrated by learned Senior Counsel is/are that:

(i) it belongs to the family;

(ii) in the year 2012-13, the respondents started construction of the road without following the process of acquisition;

(iii) petitions were preferred before the respondent no. 6, the Collector, Katihar as also the respondent no. 12, the Executive Engineer, Public Works Department, Katihar but without any fruitful result;

(iv) for the widening of Purnea-Katihar road, six decimal of land (plot no. 1838 and plot no. 1839) were encroached. Accordingly, the petitioner want an order to be passed in accordance with law.

5. Since there was no response from the other side, the writ petition.



6. A counter affidavit has been filed by the Assistant Engineer (Estimating Officer), N.H. Division, Purnea and learned State Counsel has taken this Court to paragraph 8 to show that the petitioner has not moved this Court with clean hands and actually has made misleading statement. Further, the lands were acquired by the State of Bihar in and around the year 1950 through Special Land Acquisition Officer, Dumka and Collector, Purnea for Post War Development Scheme. The details in paragraph 11 records it as Survey Plot Nos. 1016, 1017, 1018, 1019 and 1021.

7. A reply to the counter counter has come and learned Senior Counsel for the petitioner submits that a vague statement has been made by the respondents and there is no specific averment on the points that the part of the plot no. 1838 and 1839 which belongs to the petitioner were also acquired in the year 1950. He submits that such a prime land of the petitioner cannot be brushed aside in the garb of 1950 acquisition/widening of the road and there should have been a specific statement by the respondents in this regard so that the same can be rebutted.

8. The further submission is that though the Assistant Engineer filed the affidavit in the present case, surprisingly, the



Collector, Katihar (respondent no. 6) has not filed any affidavit. He submits that a detailed representation was earlier submitted in the office of the Collector, Katihar without any response. The further submission is that if the Collector (who earlier failed to respond to the representation filed on behalf of the petitioner) takes up the petition and comes to the conclusion that the land in question was never acquired in the year 1950 and still needed for the State cause, naturally, the same has to be acquired strictly in accordance with law.

9. This Court has gone through the facts of the case, the submissions of the parties as also the documents that are part of the record and is satisfied that respondents have failed to make a clear assertion that the lands which the petitioner claims to be his land have been acquired in the year 1950.

10. The writ petition also shows that the petitioner is paying rent and at least one of the receipt shows the date as 15th November, 1954 i.e. much after the year 1950.

11. In that background, this Court observes that the matter has to be considered afresh, parties including the petitioner and the State respondents/stakeholders need to be heard, documents to be perused before the respondent no. 6, the Collector, Katihar decides the matter.



12. Further, if the Collector, Katihar comes to the conclusion that the two lands of the petitioners were never acquired and still needed, it has to be acquired only in accordance with law and by no other means.

13. In that background, the petitioner is allowed to approach the respondent no. 6, the Collector, Katihar in next four weeks who shall be noticing all the stake-holders and after hearing them, will pass a reasoned order preferably within a period of six months.

14. The writ petition is disposed of with the aforesaid observations.

(Rajiv Roy, J)

Vijay Singh/-

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