

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17660 of 2021

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Bashishth Narayan Mahto @ Nunu Prasad Mahto Son of Babulal Mahto
Resident of Village- Chhoti Balha, Ward No. 03, P.S.- Mansi, District-
Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The District Magistrate Saharsa.
3. The Land Acquisition Rehabilitation and Resettlement Authority, Saharsa.
4. The District Land Acquisition Officer Supaul.
5. Kaleshwar Kamat Son of Late Janak Kamat Resident of Village- Chainsingh Patti, P.S.- Supaul, District- Supaul.
6. Bechan Kamat Son of Late Dhaneshwar Kamat Resident of Village- Chainsingh Patti, P.S.- Supaul, District- Supaul.
7. Shyamal Kishore Kamat Son of Late Dhaneshwar Kamat Resident of Village- Chainsingh Patti, P.S.- Supaul, District- Supaul.
8. Dukha Kamat Son of Late Dhaneshwar Kamat Resident of Village- Chainsingh Patti, P.S.- Supaul, District- Supaul.
9. Umakant Kamat Son of Late Dhaneshwar Kamat Resident of Village- Chainsingh Patti, P.S.- Supaul, District- Supaul.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Pramod Mishra, Advocate
For the Respondent/s	:	Mr. Raj Kishore Roy, (GP 18)
		Mr. Viveka Nand Singh, AC to GP 18

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

7 02-02-2026 Heard Mr. Pramod Mishra, learned counsel appearing on behalf of the petitioner and Mr. Raj Kishore Roy, learned GP 18 along with Mr. Viveka Nand Singh, learned AC to GP 18 for the State.

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



“1. That the petitioner above-named prays for granting the following reliefs to the petitioner:-

i) To issue a writ in the nature of certiorari, setting aside the order dated 01.07.2021 passed by the Presiding Officer, Land Acquisition, Rehabilitation and Resettlement Authority, Saharsa in Authority Land Acquisition Case No.02/2016, by which he has illegally and without considering the material aspects regarding title over the land in question appertaining to Khata No.177, Khesra No.1023 measuring area 0.45 acre (7 katha 15 dhurs) of village-Chainsigh Patti, P.S.-Supaul, District-Supaul which has been acquired under land bank scheme by the State Government. ordered to pay the compensation of the land in favour of the Respondents 2nd set, which is illegal and bad in the eye of law.

ii) To issue a writ of further certiorari, setting aside the subsequent decree dated 14.07.2021 prepared in pursuance mance of aforesaid order dated 01.07.2021 for making payment of compensation of the land in question in favour of Respondents 2nd set.

iii) To issue a writ of mandamus, commanding and directing the Respondent authority concerned to make payment of compensation of land in question to the petitioner who is legally entitled for the same in the facts and circumstances of the case.

iv) And/or any other relief or reliefs for which the petitioner is found entitled to in the facts and circumstances of this case.”

3. The brief facts of the case is that the petitioner is the lawful owner and is in cultivating position of the land appertaining to Khata No. 177, Khesra No. 1023, measuring an area of 0.45 acre (7 katha 15 dhurs), situated at village Chainsigh Patti, P.S. Supaul, District Supaul, which he has inherited from his ancestors (Babu Lal Mahto, father of the petitioner), in the year 1976 on the basis of family partition.



Since then he has been in peaceful physical possession and Jamabandi No. 1019 stands in his name. Subsequently, the above mentioned land was acquired by the State Government under Land Acquisition Case No. 185/2014-15, and compensation amounting to Rs. 11,07,000/- was determined vide order dated 20.09.2015 passed by the District Land Acquisition Officer, Supaul, but without hearing or considering the petitioner's claim, the award was prepared in favour of Respondents 2nd set, namely Dhaneshwar Kamat and Kaleshwar Kamat, compelling the petitioner to raise objection before the Land Acquisition, Rehabilitation and Resettlement Authority, Supaul in Case No. 02/2016 under Section 64(1) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as the 'the Act, 2013'). He had also filed detailed written arguments on 11.02.2021 and supplementary written arguments on 07.04.2021 in support of his claim for compensation.

4. The grievance of the petitioner is that the Respondent No. 3, without proper consideration of the petitioner's documents, revenue records, Jamabandi and long-standing possession since 1976, passed the impugned order



dated 01.07.2021 directing preparation of the award in favour of Respondents 2nd set, pursuant to which an award dated 14.07.2021 was prepared, though compensation has not yet been disbursed. The petitioner seeks holding of the impugned order dated 01.07.2021 bad in law and the consequential award dated 14.07.2021 to be illegal, arbitrary, malafide and vitiated by complete non-consideration of material facts, and for protection of his constitutional right guaranteed under the Article 300 A of the Constitution of India. The petitioner has filed the present writ petition for directing the concerned authority for redressal of his genuine grievance.

5. Learned counsel appearing on behalf of the petitioner submitted that the petitioner is aggrieved by the action of the State Government authority, having acquired the land, in the garb of the scheme namely Land Bank Scheme appertaining to Khata No.177, Kheshra No.1023 measuring area 0.45 acre (7 katha 15 dhurs) in village- Chainsigh Patti, P.S.-Supaul, District-Supaul without making payment of the due compensation to the petitioner and also for rectification of the award prepared in the name of Respondents 2nd Set, dated 14.07.2021 by preparing separate award in the name of the petitioner whose share of Khatiyani land has been acquired for the preparation of the land



bank.

6. *Per contra*, Learned Counsel appearing on behalf of state submitted that as per the records of the present case the second defendant in L.A. case no. 02/2016 , Vashishtha Narayan Mahato, clearly discloses a valid and continuous chain of title and possession over the land in question. Khata No. 177 originally stood in the names of Mehboob Ali and Sheikh Zainuddin as Khatian Raiyats, with Rai Bahadur Dilip Narayan Singh as the landlord. Upon default in payment of rent, Rent Suit No. 7447 was instituted before the Court of Munsif, Madhepura, pursuant to which the land, including Khasra No. 1023 of Mauja Chainsigh patti, was auctioned and possession delivered to the landlord through Execution Case No. 2231 of 1937. Thereafter, the landlord lawfully settled the land in favour of Dityavati Devi. Rent receipts were regularly issued in her name. Subsequently, in Partition Case No. 62/1953 it was decided by the Court of Sub-Judge I, Munger, the land under Schedule-III, including Khesra No. 1023 measuring seven kathas and fifteen dhurs, fell in the share of Babu Lal Mahato, and upon family partition in 1976, the said land devolved into the share of Vashishtha Narayan Mahato (uncle of the petitioner) in whose favour Jamabandi was duly created and



continues. There is no illegality in the order and award prepared in L.A. Case No.185/2014-15 and as such, the same don't call for any interference of this Court.

7. Heard the Parties.

8. The petitioner claims that he came in possession of the land in question after a family partition but the petitioner has not been able to bring on record any material to show the detailed description of his share of the land. It is admitted that the award has been prepared in the name of his uncle, Vashishtha Narayan Mahato. The petitioner is aggrieved that he is also entitled for the compensation to the extent of his part of share as the petitioner's right under Article 300A of the Constitution of India is affected and he has sought interference of this Court.

9. Record reveals that the District Land Acquisition Officer, Supaul in Land Acquisition Case No. 185/2014-15, vide order dated 20.09.2015 has not given the opportunity to the petitioner before preparation of the award, which has been prepared only in the name of Respondents 2nd set, namely Dhaneshwar Kamat and Kaleshwar Kamat, compelling the petitioner to raise objection before the Land Acquisition, Rehabilitation and Resettlement Authority, Supaul in Case No.



02/2016 under Section 64(1) of the Act, 2013. Primarily the dispute relates between the family members in respect of their respective share of compensation amount. Section 63 of the Act, 2013 bars the District Court from entertaining any dispute relating to the land acquisition in respect of which the Collector or the competent authority is empowered under the Act, 2013. Further, Section 64 of the Act, 2013 gives opportunity to any person interested, who has not accepted the award, may file a written application before the Collector/competent authority as the case may be. I find it apt to refer Section 64 of the Act, 2013, which is reproduced hereinafter:

“64. Reference to Authority.-(1) Any person interested who has not accepted the award may, by written application to the Collector, require that the matter be referred by the Collector for the determination of the Authority as the case may be, whether his objection be to the measurement of the land, the amount of the compensation, the person to whom it is payable, the rights of Rehabilitation and Resettlement under Chapters V and VI or the apportionment of the compensation among the persons interested.”

10. Considering the facts and the circumstances of the case, the order dated 01.07.2021 passed by the Presiding Officer, Land Acquisition, Rehabilitation and Resettlement Authority, Saharsa in Authority Land Acquisition Case No.02/2016 is hereby **quashed and set-aside** .

11. The matter is remitted back to the District Collector- cum – Magistrate, Saharsa to examine the matter



afresh and dispose of the representation filed by the petitioner
in accordance with law.

12. Accordingly, the present application stands
disposed of.

(Purnendu Singh, J)

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