

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13270 of 2025

-
1. Arbind Prasad Singh Son of Late Kamal Prasad Singh @ Kamal Prasad Singh, Resident of village- Khajwatta, Police Station- Bidupur, District- Vaishali
 2. Mukesh Kumar Son of Late Kamal Prasad Singh @ Kamal Prasad Singh, Resident of village- Khajwatta, Police Station- Bidupur, District- Vaishali
 3. Sukesh Kumar Son of Late Kamal Prasad Singh @ Kamal Prasad Singh, Resident of village- Khajwatta, Police Station- Bidupur, District- Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Land Reforms and Revenue Department, Govt. of Bihar
2. The District Magistrate cum Collector, District- Vaishali, Hajipur
3. The Sub Divisional Officer (SDO), Hajipur, District- Vaishali
4. The Executive Engineer, Rural Works department, Works Division, Mahnar, Vaishali
5. The District Land Acquisition Officer, Vaishali, Hajipur
6. The Circle Officer, Bidupur, District- Vaishali

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Shiv Pratap, Advocate
For the Respondent/s : Mr. Manoj Kumar, AC to GP-4

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 07-04-2026 Heard Mr. Shiv Pratap, learned counsel for the

petitioner and the State.

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

*(I) for issuance of appropriate
order/s, direction/s including a writ
preferably in the nature of CERTIORARI
setting aside the order dated 20.03.2025
passed by the Respondent No.-2 in Misc.*



Case No. 04/2024-25 (Annexure P/9) whereby and whereunder the said Respondent has rejected the contentions of the petitioners regarding construction of bridge on the Raiyati land of the petitioners bearing Thana No. 270, Khata No. 17, Plot No. 02 Area 42 decimals situated in Mauza-Mohanpur in the District of Vaishali. The Respondent No.-2 in the said order has held that the construction of the bridge is being done over Khata No. 241, Plot No. 01 which is incorrect statement as the bridge has been constructed by encroaching certain part of the petitioners land bearing Khata No.-17 Plot No.-2

(II) For issuance of a writ, order or direction in the nature of Mandamus directing the Respondent Authorities particularly the Respondent No.-5 to acquire the encroached land of the petitioners and determine compensation, in accordance to Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, to be awarded to the petitioners for encroaching their piece of land for construction of the bridge. The encroachment of land of the petitioners for construction of bridge has been affirmed by the report dated 12.03.2024 submitted by the



Revenue Officer (Annexure P/11).

(III) For issuance of a writ, order or direction in the nature of Mandamus directing the Respondent Authorities particularly the Respondent No.-6 to conduct fresh measurement of the land of the petitioners bearing Khata No.-17 Plot No.-2, Area 42 decimal situated Mauza Mohanpur, Anchal Bidupur, District Vaishali, with due notice to the petitioners

(IV) For any other appropriate relief/reliefs to which the petitioner is found entitled in the facts and circumstances of this case.

3. The petitioner has moved before this Court for the second time, the last being CWJC No. 5868 of 2024 (Arvind Prasad Singh & ors. vs. State of Bihar & ors.). The claim is with regard to:

Thana No. 270;

Khata No. 17;

Plot no. 02 (area- 6 decimal)

Circle- Bidupur;

District- Vaishali.

4. In the earlier round of litigation, the claim was that a construction is being made by the respondents on the Raiyati land which has to be interfered with.



5. This Court disposed of the aforesaid case of **Arvind Prasad Singh** (supra) on **19.06.2024** with following observation:

8. Since the situation is still fluid, the respondent no. 5, the Collector, Vaishali at Hajipur is required to look into the matter inasmuch as:

(i) whether in the aforesaid construction, the land of the petitioners in any way is coming or not;

(ii) if the part of the land of the petitioners has been taken up for the construction, whether they are entitled to the Corporation or not?

9. If the Collector, Vaishali after hearing all the parties and looking into the documents/reports of the State officials comes to the conclusion that the lands of the petitioners come within the purview of the construction, after passing a reasoned order, the matter be referred to the newly added respondent no. 8, the District Land Acquisition Officer, Vaishali at Hajipur who shall decide the quantum of the compensation to the petitioners after hearing the stake holders.

6. The petitioner thereafter moved before the Collector, Vaishali for the redressal of the grievance. This led to the **Misc. Case No. 04 of 2024-25 (Arbind Prasad Singh & ors. vs. State of Bihar & Ors.)** before the learned Court of



Vaishali.

7. A report was called from the revenue authorities and the sum and summary of the said report is/was that the construction of bridge has been made on Khata No. 241, new/old Khesra- 01 and not on Khata No.- 17, Khesra No. 02 as claimed by the petitioners. Based on the said report, the Collector, Vaishali rejected the claim of the petitioner vide memo no. 200 dated 20.03.2025 and this Court would like to incorporate the last paragraph of the aforesaid order which read as follows:

उपरोक्त निष्कर्षों से यह स्पष्ट होता है कि कार्यपालक अभियंता, ग्रामीण कार्य विभाग, कार्य प्रमंडल महनार द्वारा पुराने पुल को तोड़कर पूर्व से बने CUT OFF WALL के अन्दर ही खाता सं० 241 खेसरा सं० 01 जमीन का किस्म गैरमजरूआ आम रास्ता के पूर्वी ओर पर पुल का निर्माण किया गया है। खाता सं० 17 खेसरा सं० 02 में पुल का निर्माण नहीं किया गया है। फलस्वरूप आवेदक का दावा सही प्रतीत नहीं होता है।

अतः आवेदक सं० 02 द्वारा दाखिल आवेदन को खारिज (Reject) किया जाता है एवं वाद की कार्यवाई समाप्त की जाती है।

आदेश की प्रति सभी संबंधित को भेजें।

लेखापित एवं संशोधित

8. Aggrieved, the present petition.

9. Learned counsel for the petitioners submit that though they have come to the conclusion that the construction has been made on Khata No. 241, Khesra- 01 and not on the lands of the petitioners. The fact remains that they demolished the boundary wall.

10. Learned State Counsel has taken this Court to the



counter affidavit filed on behalf of the respondent no. 4 duly signed by the Executive Engineer, Rural Works Department, Works Division, Mahnar and paragraph 12 read as follows:

12. That on the basis of the site inspection and after going through the relevant records and documents, the committee has come to the findings that the bridge in question has been constructed over Khata No.241 New/Old Khesra-01 and submitted its report on 28.02.2025.

11. At this stage, learned counsel for the petitioners submit that they may be permitted to approach the Competent Civil Court for the redressal of the grievance as the mighty State may come up with another theory disrupting their possession over the land.

12. Learned State Counsel has no objection.

13. In that background, allowing the petitioner to approach the Competent Civil Court, the writ petition is disposed of.

(Rajiv Roy, J)

Vijay Singh/-

U			
---	--	--	--

