

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14661 of 2023

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Mahendra Prasad Singh Son Late Lakshman Singh R/o of Village-Barundih,
P.S.-Barun, Dist-Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Collector, Aurangabad.
2. The District Collector, Aurangabad, Dist-Aurangabad.
3. The Additional Collector, Aurangabad, Dist-Aurangabad.
4. The Land Acquisition Officer, Dist-Aurangabad.
5. The Competent Authority Cum Deputy Collector, land Reforms,
Aurangabad, Dist-Aurangabad.
6. The Anchal Adhikari, Barun Anchal, Dist-Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Brij Bihari Tiwary, Advocate
For the State : Mr. Raj Kishore Roy, GP-18

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

7 07-04-2026 Heard Mr. Brij Bihari Tiwary, learned counsel for

the petitioner and Mr. Raj Kishore Roy, learned GP-18

representing the State.

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

*(i) for setting aside the order dated
7.07.2022 passed jointly by learned L.R.D.C.
and sub Divisional Officer, Aurangabad in
title verification case No. 33/2020-2021
whereby and where under the Raiyati claim
of the petitioner has been recommended to
be rejected based on the report of Circle
Officer, Barun and forwarded the same to*



the Add. Collector, Aurangabad;

(ii) for setting aside the order dated 09.02.2023 passed in the title verification case No. 33/2020-2021 by the Add. Collector and Collector, Aurangabad whereby the order of learned L.R.D.C & S.D.O, Aurangabad dated 07.7.2022 passed in aforesaid mentioned case has been confirmed;

(iii) in the nature of mandamus also directing and commanding the respondent authorities for payment of compensation amount to the petitioner for the land which has been acquired by the respondents;

(iv) for issuance of any other relief or relief or reliefs for which the petitioner is entitled for.

3. The details of the land as incorporated in paragraph no.4 and read as follows:

“Mauza-Barun, P.S.-Barun, District-Aurangabad bearing Thana No. 155, Khata No. 171, Khesra No. 1274, Area 160 Square metre.”



4. Learned counsel for the petitioner submits that the agnate of the petitioner namely Upendra Singh approached this Court in **C.W.J.C. No. 14096 of 2023 (Upendra Singh vs. the State of bihar & Ors.)** which came to be disposed of on 13.11.2024 and the writ petition was allowed.

5. The petitioner's case is in line with the said order.

6. Paragraphs 10 to 12 of the order passed in Upendra Singh (supra) case read as under:

10. having heard the parties and it appears that the ancestor of the petitioner has got the land in question and received the same from the erstwhile landlord and the name of father of the petitioner was entered in Register-II and after death of his father, the petitioner has also paid the rent to the authority concerned till 2022 and without verifying the same, the order dated 07.07.2022 jointly passed by learned L.R.D.C and Sub Divisional Officer, Aurangabad in Title Verification Case No: 35/2020-2021



and order dated 09.02.2023 passed in the Title Verification Case No. 35/2020-2021 by the Add. Collector and Collector, Aurangabad;

11. in view of the aforesaid, the order dated 07.07.2022 jointly passed by learned LRDC and Sub Divisional Officer, Aurangabad in Title Verification Case No. 35/2020-2021 and order dated 09.02.2023 passed in the Title Verification Case No. 35/2020-2021 by the Add. Collector and Collector, Aurangabad are set aside and State shall be at liberty to file a suit if it challenged the settlement in favour of the predecessor-in-interest of the petitioner and Jamabandi in their favour but filing of the Title Suit by the State will not deny the compensation amount which is to be paid to the petitioner pursuant to the land having



been acquired by the competent authority;

12. accordingly, this writ application stands allowed.

7. In that background, with the consent of the parties, following the order passed in **Upendra Singh** (supra) the matter is referred to the Collector, Aurangabad.

8. If such petition is preferred in next eight weeks, the Collector, Aurangabad is duty bound to look into the matter, the claim of the petitioner and after hearing the parties, shall pass a reasoned order within a period of three months from the date the petition/representation is received in his/her office.

9. Needless to add, if it is found that the case of the petitioner is similar to that of **Upendra Singh** (supra) and the Collector, Aurangabad passes an order in this regard, the natural consequences must follow within the period of next two months from the date, the order is passed by the Collector, Aurangabad.

11. With the aforesaid observation, the writ petition is disposed of.

(Rajiv Roy, J)

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