

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.14480 of 2024**

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1. Dr. Prakash Kumar Singh S/o Late Jyoti Kumar Singh R/o- Bihta, P.S and Post- Bihta, Patna, Bihar- 801103.
  2. Pradeep Kumar S/o Dr. Prakash Kumar Singh, R/o- Bihta, P.S and Post-Bihta, Patna, Bihar- 801103.
  3. Piyush Kumar Singh S/o Late Pramod Kumar Singh R/o- Bihta Cold Storage Campus, P.S and Post- Bihta, Patna, Bihar- 801103 (Legal Heir of Late Pramod Kumar Singh).
  4. Rohit Kumar Singh S/o Late Pramod Kumar Singh R/o- Flat No. 1948, Vasto Tower, Mahagun Moderne, Sector 78, Noida, P.S- Sector 49, Post-Noida HO, Uttar Pradesh- 201301 (Legal Heir of Late Pramod Kumar Singh).

... .. Petitioner/s

Versus

1. The State of Bihar, through Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The Additional Chief Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
3. The Directorate of Land Records and Survey, Government of Bihar through its Director.
4. The District Land Acquisition Officer, Patna.
5. The Collector-cum-District Magistrate, Patna, Bihar.
6. The Deputy Collector Land Reforms, Danapur, District- Patna, Bihar.
7. The Circle Officer, Block- Bihta, District- Patna, Bihar.
8. Ciegall India Limited, through its Managing Director, Registered Office A-898, Tagore Nagar, Ludhiana, Punjab- 141001.
9. National Highways Authority of India, through its Project Director, Project Implementation Unit, D-63, Sri Krishnapuri, Patna-800001.
10. The Additional Chief Secretary, Road Construction Department, Government of Bihar, Patna.

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr. Manu Tripurari, Advocate           |
|                      | : | Mr. Apurv Harsh, Advocate              |
| For the State        | : | Mr. Standing Counsel (6)               |
|                      | : | Mr. Wasi Mohammad, AC to SC-6          |
| For the NHAI         | : | Mr. Dr. Maurya Vijay Chandra, Advocate |
|                      | : | Mr. Gaurav Govinda, Advocate           |
|                      | : | Mr. Preety Ranjan, Advocate            |

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**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**



ORAL ORDER

6      13-03-2026                      Heard Mr. Manu Tripurari, learned counsel for the petitioner and Dr. Maurya Vijay Chandra, learned counsel representing the National Highway Authority of India beside Mr. Md. Wasi Mohammad, learned AC to SC-6 representing the State.

2. The present petition has been preferred for the grant of following relief(s):

“(i)                      for                      issuance                      of  
*directions/writ/appropriate order/s directing the Respondents to take proper action and to conclude the pending applications/representations regarding illegal demolition/acquisition of land and buildings thereon bearing details as Khata 452, Khesra/Plot 1902, Anchal/Block-Bihta, Halka Shrirampur, Mauja Mahadeopur Phulari, Thana/P. S. No. - 53.*

*(ii) issuance of writ/order/direction to direct Respondent No. 4, 5, 6, and 7 to produce report on action taken on receipt of written applications/representations of the Petitioners sent via Registered Post.*

*(iii) issuance of other writ/order/direction to*



*Respondents for payment of compensation within a specific time frame to the Petitioners in lieu of illegal demolition and acquisition bypassing the procedure established by law.*

3. The petitioners own a piece of land at **Mauja-Mahadeopur Phulari, Khata No.452, Khesra/Plot-1902, Thana/P.S No.53, Area- 2 acres 68 decimals in the district of Patna** which is raiyati land of the petitioner and purchased by way of registered sale deed in the year 1953.

4. According to the petitioners, the companies that are functioning on the said land include Mahindra Tractor Showroom, Mahindra Service Centre, Hindustan Petroleum Outlet, Bajaj Motorcycle Showroom and Service Centre beside the Bholia Cement Shop and some vacant land.

5. Earlier, the State Government vide **Land Acquisition Case No. 81 of 2012-13** acquired 0.95 acres of the said plot belonging to the petitioners and payments also made and there is no dispute on this regard between the parties.

6. The problem started when the State Government decided to come up with an elevated corridor and it was found that the additional lands are required on the other end of the plot.



7. Learned counsel for the petitioners submit that if the State Government intends to acquire 0.085 acres on land. Further, they have resorted to the acquisition proceeding and in the garb of earlier acquisition of 0.95 acres of land, they want to usurp the land of the petitioners.

8. The contention is that when they put mark on the building for the demolition, a representation was submitted before the District Magistrate, Patna on 14.05.2024 (Annexure-P/6) copies of which were also sent to the concerned authority including the District Land Acquisition Officer, Patna and the Circle Officer, Bihta.

9. The submission is that in the meantime, they resorted to demolish certain portion of the building forcing the petitioner to rush to the Patna High Court which followed grant of interim protection by a coordinate bench of this Court on 17.06.2025 which has further been extended.

10. The voluminous writ petition shows that number of affidavits have come from both the sides and the contention of the State Government duly signed by the District Land Acquisition Officer, Patna is that they acquired 0.95 acres of land earlier for which payments have been made but due to change in the alignment, instead of aforesaid earlier acquired



area of Plot No. 1902, the present requirement is only 0.085 acres. It further records that a proposal has been sent to the National Highway Authority of India but the approval is awaited.

11. The aforesaid affidavit of the State Government is not clear on the point as to whether the new alignment requires additional 0.085 acres of the petitioner for which they intend to resort to fresh acquisition process and/or it is to be constituted the earlier acquired land of 0.95 acres.

12. Dr. Maurya representing “the NHAI” has taken this Court to the notification issued by the **Revenue Department, Bihar** on **9<sup>th</sup> of June, 1933** (under the Bihar and Orissa Gazette) which amongst the other include the **plot no.1902**.

13. Learned counsel for the petitioners submit that they have rebutted the said notification stand of ‘the NHAI’ by way of rejoinder and the stand is that payment was never made and they had peaceful possession of the land for the eighty years.

14. This Court has taken note of the entire facts and is of the opinion that one acquisition took place with regard to only 0.95 acres of land whereas learned counsel representing



‘the NHAI’ has brought on record another Gazette notification of the year 1933 to show that the plot no. 1902 stands acquired in the said year 1933.

15. In the aforesaid backdrop, since all the documents/record are available with the erstwhile **Revenue Department (presently Revenue and Land Reforms Department) Bihar**, it would be appropriate that the Additional Chief Secretary of the said department (respondent no.2) takes a decision in the matter after summoning all the stakeholders including ‘the NHAI’, the petitioners, the District Magistrate, Patna as also the District Land Acquisition Officer, Patna and hearing them.

16. Needless to add, opportunities have to be granted to all the stakeholders before a reasoned order is passed.

17. Learned counsel for the petitioner submits that they shall be filing an appropriate petition in next eight weeks before the respondent no.2, the Additional Chief Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna. If such petition is filed, the respondent no.2 shall be noticing the parties and shall take the matter to its logical conclusion by a reasoned order at an earliest, preferably within a period of next three months.



18. Till the Additional Chief Secretary, Revenue and Land Reforms Department, Bihar takes a decision, the protection granted to the petitioners by the coordinate Bench on 17.06.2025 shall continue.

19. It is further made clear that if the Additional Chief Secretary, Revenue and Land Reforms Department, Bihar comes to the conclusion that the demolition took place of the building which has not been acquired, the petitioner shall be free to take appropriate steps for grant of compensation in accordance with law.

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

**(Rajiv Roy, J)**

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