

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15659 of 2024

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Ghanshyam Singh @ Ghanshyam Prasad Singh Son of Late Krishna Singh
Resident of Village- Malkauli, Ward No. 1, P.S. Bagaha, District-West
Champaran, at Present address- Son of Shri Krishna Singh, C-18, Jyoti Park
Society Behind Navrachana School New Sama Road, Vadodara, Gujarat-
390024.

... .. Petitioner/s

Versus

1. The Union of India through its Principal Secretary, Road Construction Department, New Delhi.
2. The State of Bihar, through its Principal Secretary, Road Construction Department, Vishwasharaiya Bhawan, Bailey Road, Patna.
3. The Engineer in Chief, National Highway Division, Vishwasharaiya Bhawan, Bailey Road, Patna.
4. The Chief Engineer, Road Construction Division, North Wing, Vishwasharaiya Bhawan, Bailey Road, Patna.
5. The Superintending Engineer, National Highways, N.H. Circle, Muzaffarpur.
6. The Executive Engineer, N.H. Division, Motihari.
7. The Assistant Engineer, N.H. Division, Motihari.
8. The Junior Engineer, N.H. Division, Motihari.
9. The District Magistrate, Bettiah, West Champaran.
10. The S.D.M. Bagaha, West Champaran.
11. The Circle Officer, Bagaha-2, West Champaran.
12. The Competent Authority -Cum-District Land Acquisition Officer, Bettiah, West Champaran.
13. The C.E. Testing Company Pvt. Ltd. 124 A.N.S.C. Bose Road, Kolkatta-700092.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Suresh Prasad Sharma, Advocate
For the State	:	Mr.Rajeshwar Singh, GA-10
For UOI	:	Mr. Satyendra Kumar Ojha,C.G.C.

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 13-03-2026

Heard Mr.Suresh Prasad Sharma, learned counsel



for the petitioner and Mr.Rajeshwar Singh, learned GA-10.

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

- (i) for issuance of an appropriate writ/ writs for quashing the memo no.166 dated 16.7.2024 passed by the competent authority cum- District Land Acquisition Officer West Champaran, Bettiah as he instead of taking the final decision in adjudicating title of the land hearing Khata No. 486 of plot Nos. 865, & 866 in Mauza Malkauli Pathkhauri, Thana No.143, P.S. Bagaha Distt- West Champaran where is gairmazarua or of the petitioner did nothing rather he passed himself having no jurisdiction to pass any order in this regard when the Collector West Champaran Bettiah has already passed an order in this regard vide memo no. 2328 dated 14.6.2023 against the petitioner;*
- (ii) for issuance of further writ directing the authority concerned to take the hearing the matter and pass the final order in this regard*



towards the claim of the petitioner in the light of the order dated 23/04/24 passed by the Hon'ble High Court in C.W.J.C. No. 7770/2022 when no opportunity given to the petitioner in hearing of the matter violating the principle of natural justice;

(iii) for issuance of further writ directing the authorities to pay the compensation of land which has been acquired by the authorities dispossessing the petitioner from land since 2018 till date in the garb of Khatian of 19.2.13 stating gairmazarua when the land was settled in the name of the father of petitioner in the year 1941 by the ex- land lord through Pata/ purcha with creation of Jamabandi continuing till date in the name of petitioner;

(iv) for providing the relief/ relieves further as if deemed fit and proper in the matter under the fact and circumstances of the case;

(v) for issuance of direction to authority further for such payment of compassion of



those two plots no. 865 and 866 taking the same to be petitioner in as per the resolution no. 925 dated 11.11.2014 by the Govt. of Gairmazaura land if settled.

3. Earlier, the petitioner moved before this Court in C.W.J.C. No. 7770/2022 (Ghanshyam Singh @ Ghanshayam Prasad Singh vs. the Union of India & Ors) it came to disposed of on 23.04.2024 and paragraphs 3 to 9 read as follows:

3. though lots of water has flown down the ganges and number of affidavits have come since the filing of the writ petition in the year 2022, this Court relies on the counter affidavit filed on behalf of the respondent nos. 1 to 8 duly put on affidavit by the Executive Engineer, N.H. Division, Road Construction Department, Motihari;

4. after detailing out the facts of the case, paragraph-16 read as follows:

"16.that it is relevant to mention here that the total land of 0.00189 Hector which has been acquired for the



construction of ROB on National Highway No. 28 B (New 727) from three plots, Le. 99, 108 and 864. The total compensation amount of Rs. 56,44,718 have already paid in the Account of petitioner. So far the claim of other two plots when the petitioner will produce the paper of these two plots for proving his title over two plots Le plot no. 865 and 866 before the authority, thereafter the compensation of these two plots will be paid to petitioner"

5. now the State has detailed out the facts and further has invited the petitioner to come with all the relevant documents to prove his Title over the plot nos. 865 and 866 so that the compensation could be paid to him;

6. learned counsel for the petitioner submits that he will be filing the proper application with the relevant documents



before the competent authority within a period of six weeks from today;

7. learned Government Pleader No. 19 submits that in case such petition along with relevant documents supporting his case will be filed, the same will be taken up and decided expeditiously;

8. this Court expects that since the matter is old, the competent authority shall be taking a decision at an earliest and not before six months after the petition is received on his table;

9. the writ petition stands disposed of.

4. This followed the letter/memo no. 166 dated 16.07.2023 issued by the District Magistrate West Champaran, Bettiah holding that once an order has been passed, it is beyond his jurisdiction to take a fresh decision, the case was disposed of.

5. It is to be noted that the State Government despite the direction of the Patna High Court to file affidavit has chosen not to bring on record the letter/memo no. 2328/legal dated 14.06.2023. Further, present reply of the State Government has



been put on affidavit by the respondent nos. 09 to 12 which actually has been filed not either by the District Magistrate or the District Land Acquisition Officer and/or even the Circle Officer but by a Kanoogo. The same is rejected with a cost of Rs.1000/- to be deposited with the District Legal Services Authority, West Champaran at Bettiah.

6. An order was passed in the year 2024. The District Land Acquisition Officer, West Champaran, Bettiah chose to dispose of the matter and while informing the petitioner about the said order, chose not even to include the memo no. 2328 dated 14.06.2023 decided the Collector, West Champaran.

7. In that background, the order dated 16.07.2024 stands quashed. However, since it has been recorded that earlier decision was taken by the District Magistrate cum Collector, West Champaran, this Court directs the concerned authority (respondent no.9), the District Magistrate, West Champaran at Bettiah to take up the case of the petitioner and pass a reasoned order within a period of six months from the date the petitioner prefers representation alongwith all the relevant document.

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

9. Failure to pay the amount of Rs.1000/- to the



D.L.S.A., West Champaran at Bettiah proper steps be taken for realization of the cost in accordance with law.

(Rajiv Roy, J)

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