

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16221 of 2024

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Ramesh Chandra Pathak Son of Late Yamuna Pathak Resident of Village-
Lavkar, P.S.- Manpur, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Chief Secretary, Govt. of Bihar.
2. The Additional Chief Secretary, Revenue and Land Reforms Department,
Govt. of Bihar, Patna.
3. The District Collector-cum-District Magistrate, West Champaran, Bettiah.
4. The District Land Acquisition Officer, West Champaran, Bettiah.
5. The Additional Collector, West Champaran, Bettiah.
6. The Deputy Collector Land Reforms, Narkatiyaganj, West Champaran,
Bettiah.
7. The Circle Officer, Mainatar, West Champaran.
8. The Project Director, National Highways Authority of India, Indo-Nepal
Border Road Project, East Champaran, Motihari.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Prashant Sinha, Advocate Mr. Amar Kumar Singh, Advocate
For the Respondent/s	:	Mr. Government Pleader 6

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 13-03-2026 Heard Mr. Prashant Sinha, learned counsel for the

petitioner and the State.

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

*“(i) for issuance of writ in the
nature of certiorari for quashing of the letter
no. 3056 dated 20.08.2024 issued by the
Additional Collector, West Champaran, Bettiah
whereby upon the representation made by the
petitioner, it has been communicated that the*



Deputy Collector, Land Reforms, Narkatiyaganj has rejected the claim of the petitioner as being Raiyat of the land.

(ii) for necessary direction upon the respondent authorities to produce the entire record of Case No. 30/2019-20 from the Circle Officer, Mainatar and the Deputy Collector, Land Reforms, Narkatiyaganj and further for issuance of writ in the nature of certiorari for quashing of the order dated 04.01.2021 passed by the Land Reforms Deputy Collector, Narkatiyaganj, West Champaran in Case No. 30/2019-20 whereby he has rejected the claim of the petitioner being the Raiyat of the land in question in gross violation of the circular contained in letter no. 925 (6) dated 11.11.2014 issued by the Revenue and Land Reforms Department, Govt. of Bihar, Patna.

(iii) for holding that the petitioner is Raiyat of land bearing Thana No. 199, Khata No. 3, Khesra No. 216, area 1.94 acres situated in village- Laukar in Circle Mainatar in the district of West Champaran in terms of circular No. 925(6) dated 11.11.2014 as the petitioner purchased the land through registered sale deed on 15.11.1979 from Damini Verma, who was the daughter of Ex-intermediary Mohan Vikram Shah, the land was given in the share of his unmarried wife Radha Kumari Devi on the basis of Partition



Suit No. 40/1942 and Radha Kumari Devi executed a gift deed dated 12.04.1962 in favour of her daughter Damini Verma, Jamabandi was also running in the name of Damini Verma in the Circle Officer, Mainatar and after the purchase made by the petitioner, Jamabandi is also running on the name of the petitioner and he is paying rent to the Govt. regularly.

(iv) for necessary direction upon the respondents to follow the circular issued by the Revenue and Land Reforms Department, Govt. of Bihar as contained to memo no. 925(6) dated 11.11.2014 and particularly paragraph 3(i) (Angah) and (Cha) thereof which provides that if the land is recorded as Bakasht in the Khatiyani and the Jamabandi is running in the name of somebody else, then the land will be considered to be of the person on whose name Jamabandi is running. Further, if the land is recorded as Bakasht in the Khatiyani and it has been transferred by the intermediary or his heir to somebody else in such situation, the land will be deemed to be Raiyati land of such transferee.

(v) for necessary direction upon the respondent authorities to pay compensation to the petitioner for the land bearing Thana No. 199 Khata No. 3, Khesra No. 216, area 1.94 acres situated in village- Laukar in Circle



Mainatar under the provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-settlement Act, 2013 as the said land has been acquired by the respondent authorities without paying any compensation to the petitioner for the Indo-Nepal Border Road Project.

(vi) for restraining the respondents from making any construction over the land in question till compensation is paid to the petitioner.

(vii) for any other direction, which your Lordships may deem fit and proper in the facts and circumstances of the case.”

3. The matter relates to piece of land details of which is already recorded in Para 1(iii).

4. The petitioner claims it to be his own land, which has been taken up for the development of the India Nepal Border Road Project and the petitioner was shocked to receive a letter no. 3056 dated 20.08.2024 issued by the Office of the Additional Collector, West Champaran, Bettiah stating that his claim has already been rejected by Deputy Collector, Land Reforms, Narkatiyaganj vide Case No. 30/19-20.

5. Aggrieved the, petitioner moved before this Court for quashing of the present letter no. 3056 dated 20.08.2024 as also to quash the order passed by the Deputy Collector, Land



Reform, Narkatiyaganj (in Misc. Case No. 30/19-20 after directing the respondents to bring the same on record

6. The case of the petitioner is/are:-

(i) he was never put on notice before the Deputy Collector, Land Reforms, Narkatiyaganj;

(ii) naturally, he was not heard;

(iii) the said order was never made available by him so that he could challenge it.

(iv) even the Additional Collector, West Champaran, Bettiah has not annexed the said order.

7. In paragraph 16 of the petition, the petitioner has made categorical statement that he was not put on notice.

8. A counter affidavit has come on behalf of respondent nos. 3 to 7 duly signed by the Circle Officer, Mainatand, West Champaran and in reply to para 16, the statement is that the Circle Officer, Mainatand has sent the recommendation before the Land Reforms, Deputy Collector, Narkatiyaganj who passed the order. The reply to the paragraph 16 of the writ petition has been incorporated in the para 19 of the counter affidavit which read as under:-

“ (19) that in respect of paragraph no. 16 and 17 of the present writ petition, it is most humbly submitted that the



Circle Officer, Mainatand, annexing the documents, submitted by the writ petitioner, has sent its recommendation before the Land Reforms Deputy Collector, Narkatiaganj, West Champaran to take necessary action in respect of the Raiyantikaran of the land and thereafter the Land Reforms Deputy Collector, Narkatiaganj, West Champaran has initiated Case No. 30 of 2019-20 (Anchal- Mainatand) and passed its order on 04.09.2021 by which he has not accepted the recommendation of the Circle Officer, Mainatand and has found the claim of the writ petition was baseless and therefore the plea of the petitioner for Raiyantikaran of his land was not accepted.”

9. From the aforesaid facts, it is clear that the petitioner was neither put on notice nor was heard before the order in question was passed. Further, he has not been provided any copy of the said order. Worse, even the Additional Collector while negating the claim of the petitioner chose not to annex the said order.

10. In that background, this Court has no option but to quash both the orders dated 04.01.2021 passed by the Deputy Collector, Land Reforms, Narkatiyaganj and the order dated 20.08.2024 passed by the Additional Collector, West



Champaran, Bettiah.

11. The matter is remitted back to Additional Collector, West Champaran, Bettiah who shall be noticing all the parties and pass a reasoned and speaking order in accordance with law at the earliest.

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

(Rajiv Roy, J)

Ranjeet/-

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