

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16883 of 2023

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Shaligram Singh Son of Late Shiv Prasad Singh Resident of Village and PO
Murlibasantpur PS and District Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Land Revenue, Bihar.
2. The District Magistrate, Saharsa.
3. The District Land Acquisition Officer, Saharsa.
4. The Circle Officer, Kahra District Saharsa.
5. Smt. Mombatti Devi wife of Parmanand Mehta, resident of Village and PO
Murlibasantpur PS and District Saharsa.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Diwakar Prasad Singh, Advocate
For the Respondent/s : Mr. Raj Kishore Roy, GP-18

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 15-04-2026 Heard Mr. Diwakar Prasad Singh, learned counsel for

the petitioner and Mr. Vivekanand Singh, learned AC to GP-18.

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

“(i) That for, issuance of appropriate writ, order or direction or for issuance of writ in the nature of certiorari quashing the order dated 04.04.22 passed by District Land Acquisition, officer Saharsa who acted contrary to National Highways Act & himself decided Title between the parties instead referring the Disputes before the Competent Civil Court as provided under Section 3- (H) 4 of the National Highways Act.

(ii) That a declaration be issued



commanding the respondents that the District Land Acquisition, officer is not entitled to decide disputes regarding the apportionment of any amount or any part thereof, or any person to whom or any part is Payable then only course available to the respondent was to refer the Disputes before the Competent Civil Court under Section 3- (H) 4 of the National Highways Act instead deciding the Title be receiving illegal gratification.

(iii) That for issuance of appropriate writ, order or direction or for issuance of writ in the nature of Mandamus commanding the respondents to pay the entire Compensation to the petitioner since the Lands bearing Plot No.2213, under Khata No.125 area 0.081001 Decimal belongs to the petitioner, & the Jamabandi to the same is running in the joint name of the father of the petitioner namely Shiv Prasad Singh & uncle namely Mahadev Singh son of Late Ramkishun Singh, since they purchased the same land on 02.06.47 by way of registered sale deed.

(iv) That a declaration be issued commanding the respondents that the Land Acquisition, officer, is not competent to decide Title of the Land as aforesaid bearing Plot No.2213, under Khata No.125 area 0.081001 Decimal & decision on Title could be decided by the Competent Civil Court of Competent Jurisdiction by evaluating the evidence in possession of the parties.



(v) That for grant of any other relief or relief's to which the petitioner be found entitled in law be granted to them.”

3. A counter-affidavit has come on behalf of the respondent nos. 2 to 4 and Mr. Singh, learned counsel for the petitioner submits that it will suffice if he is allowed to approach the competent Civil Court for the redressal of the grievance.

4. The petitioner is free to approach the concerned Court alongwith main petition as also petition for granting interim relief, if any.

5. Granting said liberty, the writ petition stands disposed of.

(Rajiv Roy, J)

Adnan/-

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