

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19607 of 2018

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Basmatia Dvi W/o Late Sita Singh R/o Village- Gavasagrah Tarari, P.S.-
Daudnagar, and District- Aurangabad

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, RCD Govt. of Bihar, Patna
3. The Managing Director, Bihar Rajya Pul Nirman Nigam Limited, Bihar,
Patna
4. The District Magistrate, Aurangabad
5. The Additional Collector, Aurangabad
6. The Sub Divisional Magistrate, Daudnagarm Aurangabad
7. The Deputy Collector Land Reforms, Daudnagar, Aurangabad
8. The Sub Registrar, office of the Registry, Sub Division Daudnagar,
Aurangabad
9. The Circle Officer, Circle Daudnagar, Aurangabad
10. The Then Anchal Amin on Deputation Circle Haspura, Aurangabad
11. The Senior Project Engineer, Division Gaya BRPNL Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Anirudh Kumar Verma, Advocate
For the Respondent/s : Mr.Raj Kishore Roy- Gp-18

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL JUDGMENT
Date : 16-02-2026

Heard Mr.Anirudh Kumar Verma, learned counsel for
the petitioner and the State.

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

*(i) for setting aside the notice bearing 743,
744 and 745 dated 13.06.2018 served upon
the petitioners respectively whereby claim*



has been made to return the excess payment made in comparison of nature of the acquired land under the perpetual lease policy under Bihar Lease Policy, 2014.

3. The matter relates to construction of approach road for the bridge on the **Sone river between Daudnagar and Nasriganj**. The petitioner's land was also taken over for construction. The State Government wanted to take over the land under the Bihar Raiyati Land Lease Policy, 2014 (henceforth for short 'the Policy').

4. The **Six Men Committee** headed by the **District Magistrate, Aurangabad** undertook a survey for the categorization of the land and the proceeding dated **20.06.2016** duly signed by the **District Magistrate, Aurangabad** amongst the other held the land of the petitioner as **residential**.

5. Accordingly, the petitioner received the payment of **Rs. 57,00,000/- on 06.10.2016**.

6. Two years later, the petitioner received the notice vide letter no. 749 dated **13.06.2018** issued by the **Senior Project Engineer, Works Division, Gaya**, according to which, subsequently, another Six Men Committee was constituted by the District Magistrate, Aurangabad which found the nature of



land to be **agriculture**. Accordingly, it held that instead of 57,00,000/-, the lady was entitled to only **Rs.19,00,000/-**. Thus, by the said letter, demand for returning of **Rs.38,00,000/-** was made.

(Annexure-5 to the petition)

7. Aggrieved, the present petition.

8. Learned counsel for the petitioner has taken this Court to the Schedule Part-II of 'the Policy' which records the terms and conditions. Further, its **Column-IV** read as follows:

4. In case of an clerical or mathematical error in calculation as to the amount of compensation for the land mentioned in Schedule-1, matter shall be referred to the Revenue and Land Reforms Department, Government of Bihar, Patna, within six month of the date of execution of the lease and the decision taken by the Government in the Department of Revenue and Land Reforms, Bihar, Patna will be final.

9. He submits that only in case of clerical and mathematical error in calculation on the amount of compensation, the case could have been referred to the



Revenue and Land Department, Patna which is/was also to be done in next six months and the decision taken shall be final.

10. The submission is that admittedly, the payment was made in the year 2016 pursuant to the ground inspection/survey undertaken by a committee duly headed by the District Magistrate, Aurangabad. The question is whether later, another District Magistrate by constituting second committee after the payments made can change its categorization of the land made by the head of the district. Further, when the same was not referred to the **Revenue and Land Reforms Department, Bihar, Patna** within six months whether it needs interference or not in view of the fact that it is not any clerical or mathematical error.

11. A counter affidavit has come on behalf of respondent nos. 04 and 05 and they have justified the decision submitting that subsequent committee found the land to be agriculture and accordingly, notice has been issued which needs no interference.

12. It is to be noted that for the reasons best known, the second enquiry report has not been brought on record in the counter affidavit by the State respondent nor the same was annexed alongwith the notice in question issued to the



petitioner.

13. Learned counsel for the petitioner with the help of supplementary affidavit has submitted that in similar such matters, the Patna High Court has set aside the notices issued by the respondents and the details of the orders are as follows:

(i) Sanjay Kumar and Ors. vs. The State and Ors (C.W.J.C. No. 17669 of 2018) disposed of on 03.03.2025;

(ii) C.W.J.C. No. 17470 of 2018 (Ramashray Sao vs. the State and Ors. disposed of on 03.03.2025;

(iii) C.W.J.C. No. 1431 of of 2019 (Lahasia Kuer vs. the State of Bihar & Ors) disposed of on 06.02.2025.

14. Paragraphs 05 to 07 of the order dated **06.02.2025** passed in **Lahasia Kuer** (supra) record as follows:

5. after hearing the parties, it transpires to this Court that the admitted position is that the land was acquired for the purpose of constructing the State Highway and the acquisition of land was made under the policy which was framed



under LARA 2013 (30 of 2013). The said lease policy mentions that only clerical and mathematical errors can be rectified within six months. However, in the present case, it is not a clerical or mathematical error, as the authority, at the time of fixing compensation, initially observed that the land of the petitioner was residential in nature. Moreover, after a lapse of about two years from the date of the fixation of the compensation amount, the respondent authorities identified the land as agricultural in nature. Based on this, a lesser amount of compensation was recalculated;

6. As such, this Court is of the view that the District Administration, its earlier report dated 20.06.2016, fixed the compensation amount and then framed a Six-member Committee under the Chairmanship of the District Magistrate to re-determine the compensation. The.



Court finds that such arbitrary action by the District Magistrate cannot be permitted in law, as this decision directly affects the petitioner. Moreover, it has not been mentioned under which provision of law such action was taken, nor was the petitioner given prior notice or information before taking such action. Hence, the decision was taken under an unknown provision of law and constitutes a gross violation of natural justice;

7. for the reasons mentioned above, the Court finds merit in the petitioner's argument, and thus the notice dated 13.06.2018, bearing No: 748 (Annexure-5), is hereby set aside.

15. Having heard the parties and after perusing the records, the fact that emerges is/are that after the State Government took a decision to take over the land of the affected persons including the petitioner under 'the Policy', the District Magistrate, Aurangabad under his chairmanship constituted a



committee. After an enquiry/survey was undertaken, the committee amongst other categorized the lands of the affected persons and the land of the petitioner was categorised as residential. Once the committee headed by the District Magistrate, Aurangabad stamped the said enquiry report vide proceeding dated 20.06.2016, payments were made on 06.10.2016.

16. How and under what circumstance, the next incumbent (District Magistrate, Aurangabad) reopened the matter, constituted another committee and came to the conclusion that it should have been agriculture and not residential (which followed the notice) has not been explained.

18. Neither the minutes of the proceeding (by which the District Magistrate, Aurangabad came to the conclusion after enquiry that it is agriculture land and not residential) has been provided to the petitioner with the notice nor annexed with the counter affidavit.

19. In any case, once the earlier District Magistrate, Aurangabad himself headed the committee and categorized the land of the petitioner as residential, the next incumbent is/was duty bound to record the reason for constituting another committee.



20. Further, once it came to a different finding, the matter should have been referred to the **Revenue and Land Reforms Department, Bihar**. Instead, he authorized himself and overruled the proceeding of the earlier committee dated **20.06.2016**. In the opinion of the Court, the same cannot be allowed. The coordinate bench by passing the orders (as recorded earlier) has come to the same conclusion.

21. This takes the writ petition to only one conclusion. The notice dated 13.06.2018 is illegal and needs interference. Accordingly, ordered.

22. The notice vide no. 749 dated **13.06.2018** passed by the **Senior Project Engineer, Works Division, Gaya** is hereby set aside.

23. The writ petition is allowed. No cost.

(Rajiv Roy, J)

Ravi/-

AFR/NAFR	AFR
CAV DATE	
Uploading Date	18.02.2026
Transmission Date	

