

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19439 of 2024

1. Dharmendra Ray Son of Late Devraj Ray, Resident of Daudpur, P.S.- Maner, District- Patna.
2. Bara Chakiya Dugdh Utpadak Samiti Ltd. through its Secretary Bittu Kumar, aged about 27 years, Male, Son of Dharmendra Rai @ Dharmendra Ray, Resident of Daudpur, P.S.- Maner, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Patna.
2. The District Magistrate cum Collector, Patna.
3. The Land Acquisition Officer, Patna.
4. The Circle Officer, Maner, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Anjani Kumar Jha, Advocate Mr. Anita Kumari Sharma, Advocate Mr. Shaambhavi Sinha, Advocate Mr. Vishwa Shri Rajendra, Advocate
For the State	:	Mr. Mahendra Prasad Yadav, G.P.-23 Mr. Meera Singh, A.C. to G.P.-23

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

3 02-02-2026 The petitioners have filed the instant writ petition for
the following reliefs:-

- I. For issuance of writ in the nature of mandamus for commanding the state respondents to not to demolish the building and boundary of the Petitioners till payment of compensation and without notice to vacate the premises, which is situated at Mauja Khashpur Khata no. 93, Kshesara no. 12 Thana no. 94, area 6 Decimal, which was acquired by the government for purpose of construction of 6 lane road.*
- II. For issuance of writ in the nature of*

mandamus for directing the respondents concerned to ensure there is no unlawful interference in the peaceful possession of the land without notice to vacate the premises as there is co-operative society is running in the name and style of Bara Chakiya Dugdh Utpadak Samiti Ltd. And about 500 families are associated with the co-operative society.

2. I have heard the learned Advocate on behalf of the petitioners as well as the learned Advocate for the State.

3. It is submitted by the learned Advocate for the petitioners that the land, in question, has already been acquired by NHAI for construction of National Highway and compensation amount remains in custody of the Collector. It is also submitted that the land, in question, was recorded as *Gairmajarua Malik* land in the C.S. record of rights. The father of the petitioners purchased the said land from the occupiers who used to stay in the said land constructing a house. The petitioner no. 1 filed an application on 21th August, 2024 to the Circle Officer praying for recording his name as *Rayyat* in respect of the said purchased land. By virtue of Annexure-P8 to the supplementary counter affidavit, the Circle Officer, Maner, Patna forwarded the said letter to the Deputy Collector Land Records being the competent authority on 23rd October, 2024

requesting him to take necessary steps for mutation in respect of said property. However, till date no step has been taken either by the Deputy Collector Land Records, Danapur or by the Collector, Patna with regard to mutation of his name. In the meantime, symbolic position of the land was handed over to the NHAI. The NHAI started demolishing the boundary wall of the building of the petitioner no. 1, which led the petitioners to file the instant writ petition in which an order of status quo was passed by this Court on 20th December, 2024.

4. Now, it is submitted by the learned Advocate for the petitioners that the petitioners understand that after the land was handed over to National Highway Authority for public purpose i.e. for construction of National Highway, it would not be possible for him to retain the land and structure thereon. In the meantime, the authority has calculated the amount of compensation in respect of the land and structure.

5. The learned Advocate for the petitioners submits that the grievance of the petitioners will be satisfied, if he is paid the compensation amount against the said land and structure which has been settled by the competent authority and on receiving compensation, the petitioners will hand over the position of the same.

6. The learned Advocate on behalf of the State-respondents, on the other hand, submits that the State-respondents are not in a position to grant compensation to the petitioner no. 1 because of the fact that his name has not been mutated as yet, in respect of the land and structure, in question.

7. It is needless to say that when a particular piece of land is acquired for public purpose of constructing National Highway, the State Government ought to have vigilant to record the name of the petitioner no. 1 as *Rayyat*, especially, when he made an application to the Circle Officer on 21st August, 2024 in the said application forwarded to the Deputy Collector Land Records on 23rd October, 2024. National Highway Authority is entrusted to get physical position of the land, in question, for construction of the highway.

8. Considering such circumstances, this Court disposed of the instant writ petition directing the Deputy Collector Land Records, Danapur and Collector, Patna to dispose of the application filed by the petitioners on 21st August, 2024 on the basis of registered sale deed dated 17th November, 1980 and to mutate his name as *Rayyat* in the records of rights. After recording his name as *Rayyat*, the petitioners shall be paid the compensation amount which has already been settled.

9. Entire act shall be done within six weeks from the date of this order.

10. While granting compensation to the petitioner no. 1, the CALA is at liberty to deduct revenue tax, if any, in respect of the said land accrued from 17.11.1980 till date from the compensation amount.

11. The parties are at liberty to act upon the server copy of this order.

12. The instant writ petition is, thus, disposed of on contest.

13. However, there shall be no order as to cost.

(Bibek Chaudhuri, J.)

Jyoti Kumari/-

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