

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.970 of 2026

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Renu Devi Wife of Vishwanath Sah, D/o Late Parmeshwar Sah, Resident of
Ward No. 21, Hazipur, P.S.- Khagaria Town, District- Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Department of Land and Revenue, Bihar, Patna.
2. The District Magistrate, Khagaria.
3. The Sub-Divisional Magistrate, Khagaria.
4. The Block Development Officer, Khagaria.
5. The Deputy Collector, Land and Reforms, Khagaria.
6. The Circle Officer, Khagaria.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Waliur Rahman, Advocate Mr. Roshan Kumar Mishra, Advocate
For the Respondent/s	:	Mr. Dr. Md. Raisul Haque, SC 10 Mr. J. K. Roy, AC to Standing Counsel (10)

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 27-01-2026 Heard Mr. Waliur Rahman, along with Mr. Roshan Kumar Mishra, learned counsels appearing on behalf of the petitioner and Mr. Dr. Md. Raisul Haque, learned SC 10 for the State.

2. The petitioner in paragraph no. 1 of the present writ petition has sought inter alia the following relief(s), which is reproduced hereinafter:-

“1. That this is an application for issuance of appropriate writ/writs, order/ orders, direction/ directions for following reliefs:

(i) For direction upon the respondent authorities to consider and act pursuant to the representation dated 15-11-25 and do the needful for the



redressal of the legitimate claim of petitioner in accordance with law.

(ii) For direction upon respondents authority to remove the illegal forcible possession from the Rayati land of the petitioner and also direct the state authorities to remove the illegal constructions or to vacate the same and further handover the peaceful possession of the land in dispute and structure having in some portion to the petitioner, where the state themselves grab and encroached upon the Rayati land of the petitioner.

(iii) For in alternative if it is not possible to grant the relief no.1, then direct the State Authorities to acquire the land in view of 2013 land acquisition law and pay an adequate compensation to the petitioner.

(iv) For that to request to the Hon'ble Court to take appropriate legal action against the State Authorities for their illegal and unlawful activities or act over the Rayati land of the petitioner for which the petitioner has to face unnecessary harassment and mental agony.

(v) For also direct to concern authority, Khagaria to issue rent receipt in the name of the petitioner after necessary Parimarjan in the portal in place of her father died subsequently and on the basis of gift by her father she entitled own the same.

(vi) To pass such other order/ orders which deems fit and proper in the facts and circumstances of present case."

3. Learned counsel appearing on behalf of petitioner submitted that the petitioner seeks removal of illegal construction over the *Khatiyani/Raiyati* land, as described in para 4 writ application, which is as under;

Jamabandi	Khata No.	Khesra No.	Area
No.			
7	156 Gha	5/639	0B-10K-0Dhur
	157 Gha		0B-10K-0Dhur
	"		5B-0K-0Dhur
	"		0B-5K-4Dhur
	"	158/637	0B-4K-2Dhur



8		Total Area	6B-9K-6Dhur
	156 Gha	5/639	0B-10K-0Dhur
	156 Gha	5	0B-10K-0Dhur
	158 Gha	1	2B-0K-0Dhur
9		Total Area	3B-0K-0Dhur
	74 K	92	1B-05K-
	Total Area		17Dhur
			1B-05K-
			17Dhur

The petitioner for quick removal of illegal construction has filed a representation before the District Magistrate, Khagaria for restraining to raise any further structure over the above described area of plots, however, instead of taking any action on the representation dated 15.11.2025, the District Administration is sitting tight over the same, defeating the petitioner’s right, as enshrined under Article 300 A of the Constitution of India.

4. The mandate of the Article 300- A of the Constitution of India states that “No person shall be deprived of his property save by the authority of law.”

5. The State cannot disposes a citizen of his property except in accordance with law and procedure prescribed. The obligation to pay compensation is not expressively included in Article 300-A of the Constitution of India can be inferred in that Article. The law in this regard is well settled by the Apex



Court in case of *Vidaya Devi Vs. The State of Himachal Pradesh & Ors.* reported in **2020(2) SCC 569**, I find it proper to quote the para-12.1 and 12.2 of the said judgment, which are *inter alia* reproduced hereinafter;

“12.1. The appellant was forcibly expropriated of her property in 1967, when the right to property was a fundamental right guaranteed by Article 31 in Part III of the Constitution. Article 31 guaranteed the right to private property [State of W.B. v. Subodh Gopal Bose, (1953) 2 SCC 688 : AIR 1954 SC 92] , which could not be deprived without due process of law and upon just and fair compensation.

12.2. The right to property ceased to be a fundamental right by the Constitution (Forty-Fourth Amendment) Act, 1978, however, it continued to be a human right [Tukaram Kana Joshi v. MIDC, (2013) 1 SCC 353 : (2013) 1 SCC (Civ) 491] in a welfare State, and a constitutional right under Article 300-A of the Constitution. Article 300-A provides that no person shall be deprived of his property save by authority of law. The State cannot dispossess a citizen of his property except in accordance with the procedure established by law. The obligation to pay compensation, though not expressly included in Article 300-A, can be inferred in that Article. [K.T. Plantation (P) Ltd. v. State of Karnataka, (2011) 9 SCC 1 : (2011) 4 SCC (Civ) 414]”

6. Having considered the aforesaid submission made on behalf of the petitioner, as well as, having perused the records, the District Magistrate, Khagaria is directed to dispose of the representation filed by the petitioner after giving specific finding whether, the petitioner is entitled for any compensation in respect of the land, in case the record reflect the name of the petitioner, over which government agency has erected structure, being on the *Khatiyani* and *Raiyati* land of the petitioner as referred in above paragraph, without any acquisition proceeding



in accordance with law then in that case the petitioner becomes entitled for payment of compensation expeditiously in accordance with law.

7. In case the petitioner is not entitled for any compensation, then in that case, the District Magistrate is directed to pass a reasoned order in accordance with law.

8. Accordingly, the present application stands disposed of.

(Purnendu Singh, J)

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