

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.557 of 2026

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Bhikhari Singh Son of Laxmi Singh, R/o Ward no 07, Gram Chhoti Auraiya,
Adapur, Auraria, PO and PS Adapur, District East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, Revenue and Land Reforms, Government of Bihar, Patna.
3. The District Collector, East Champaran.
4. The District Land Acquisition Officer, East Champaran.
5. The Deputy Collector Land Reforms, East Champaran.
6. The Sub Divisional Officer, East Champaran.
7. The Circle Officer, Adapur, East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Alok Ranjan, Advocate
For the Respondent/s : AC to Standing Counsel (07)

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 27-01-2026 Heard Mr. Alok Ranjan, learned counsel appearing

on behalf of the petitioner and learned AC to Standing Counsel

(07) 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:-

“(I) For quashing of the order dated 16.10.2025 issued under the signature of respondent Additional chief secretary Revenue and land reforms department Government of Bihar Patna whereby and where under the genuine claim of the petitioner has erroneously been rejected just to frustrate the legitimate claim of the petitioner.

ii). For directing the respondents to rectify the revenue records of the government, as



due to wrong entries made in the revenue records by the circle officer the land of the petitioner appertaining to Khata no. 163, Khesra no. 1971, area 1 katha 18 Dhur situated in Choti Ouraiya Mauja, P.S- Aadapur, Circle-Aadapur, District-East Champaran has been mentioned as government land, (if acquired, without there been any process of acquisition, without paying any compensation entire to petitioner to the ancestors of the petitioner) in place of land of the petitioner and his ancestors and due to illegal act of the authorities the encroachment over the land of the petitioner has been made and the petitioner is compelled to approach this Hon'ble court by way of filing instant writ application Or,

(iii) For directing the respondents to pay adequate compensation to the petitioner and a Government job to the spouse of the petitioner if the land has be acquired, though no any notice of acquisition has ever been issued, served to the petitioner; if not acquired then for directing and commanding the respondent authorities to vacate the land of the petitioner and to pass appropriate orders and directions for removal of illegal encroachment from the land of the petitioner appertaining to Khata no. 163, Khesra no. 1971, area 1 katha 18 Dhur situated in Choti Ouraiya Mauja, P.S- Aadapur, Circle-Aadapur, District-East Champaran, as the land of the petitioner has now became commercial land, now since the petitioner has retired from BSF, land of the petitioner has been illegally encroached by the respondents, by making entry in revenue records as government land and while passing the order dated 16.10.2025 no any documents have been annexed or supplied to the petitioner.

(iv) For any other appropriate relief/reliefs to which the petitioner is found entitled in the facts and circumstances of this case.”

3. Learned Counsel appearing on behalf of the petitioner submitted that the petitioner seeks for due compensation over the land appertaining to Khata no. 163, Khesra no. 1971, area 1 Katha, 18 Dhur (total 22 Dismil) which is khatiyani / ancestral land of the petitioner which has been



encroached by mentioning it as government land on the revenue records by the concerned Circle Officer.

4. Learned counsel appearing on behalf of the petitioner seeks to file representation before the Land Acquisition Officer, East Champaran, Motihari for redressal of the grievance(s), for payment of due compensation of the land which has been rejected by the Additional Chief Secretary, Revenue and Land Reforms, Government of Bihar *vide* order dated 16.10.2025 appertaining to the land acquisition proceeding no.98/1955-56 and 18/1957-58 in respect of the land appertaining to Khata no. 163, Khesra no. 1971, area 1 Katha, 18 Dhur (total 22 Dismil).

5. 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.*”

6. 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]”

7. Having considered the aforesaid submission made on behalf of the petitioner, as well as, having perused the records, the Land Acquisition Officer, East Champaran, Motihari, is directed to dispose of the representation filed by the petitioner after giving due consideration, by taking a conscious decision and proceed to grant due compensation in accordance with the Award so prepared in respect of the land of the petitioner.

8. In case the petitioner is not entitled for any compensation, then in that case, the Land Acquisition Officer, East Champaran, Motihari, is directed to pass a reasoned order



in accordance with law.

9. Accordingly, the present application stands disposed of with aforesaid liberty.

10. Interlocutory Application(s), if any, also stands disposed of.

(Purnendu Singh, J)

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