

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12405 of 2014

1. Manoj Rai S/o Sri Chandra Keshwar Rai
2. Anil Kumar Rai S/o Sri Chandra Keshwar Rai
3. Chandra Keshwar Rai S/o Late Jugal Rai All are Residence of Village Tilath, P.O. dev Chanda, P.S. Piro, District Bhojpur.

... ... Petitioner/s

Versus

1. The State Of Bihar
2. The Collector, Bhojpur.
3. The Sub Divisional Officer, Piro.
4. The Land Acquisition Officer, Bhojpur.
5. The Circle Officer, Piro.

... ... Respondent/s

Appearance :

For the Petitioner/s : Mr.Gopal Govind Mishra, Advocate
For the Respondent/s : Mr. Manish Kumar, GP-04

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 30-06-2025 Heard Mr. Gopal Govind Mishra, learned counsel for the petitioners and Mr. Manish Kumar, learned GP-04.

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

(i) for issuance of a writ in the nature of mandamus and/or any other appropriate writ/writs, order/orders, direction/directions for commanding the respondent authorities to shift the alignment of road and to free the



radiate land of the petitioners by removing the soil deposited in the raiyati land of the petitioners for construction of village road from Tillath road to Pax building in village Tillath, P.S.-Piro, District-Bhojpur, Ara, under 'Pradhan Mantri Rojgar Yojna', and further direction to restore the raiyati agriculture land of the petitioners to the pre-existing position and/or suitable compensation to the petitioners for illegal act of the respondents authorities started construction without issuance of Notice under Land Acquisition Act to Petitioners.

3. The land in question has been detailed out in paragraph-4 which read as follows:

“4. khatiyani raiyat of Khata no. 178, Khesra no. 384, Area about 22 Decimal, Khata no. 171, Khesra no. 386, Area about 7 Decimal,



Khata no. 143, Khesra no. 385

area 4 Decimal, situated at Mauza

Tillath, P.S. Piro, District Bhojpur.

4. It is the case of the petitioners that without issuance of any notice upon them, the authority took up their lands and started putting soil on their khatiyani land.

5. Aggrieved, the present petition.

6. A counter affidavit on behalf of respondent nos. 2 to 5 has been filed duly signed by District Land Acquisition Officer, Bhojpur at Ara. According to which, so far as khata nos. 178 and 143 are concerned, the award has been prepared vide L.A. Case No. 02/2012-13 and the compensation amount has also been recorded.

7. Notices were served upon the petitioners. Some accepted and others refused to respond.

8. Learned counsel for the petitioners has taken this Court to the notices attached as Annexure-R-2/3 to the counter affidavit to submit that though khata-khesra are similar, their names are missing in it.

9. Learned State Counsel submits that this counter affidavit was filed in the year 2023 after service of copy to the learned counsel for the petitioners but there is no rejoinder on



record. The submission of the learned State Counsel seems justified. The petitioners have not clarified whether names against whom notices have been issued are their agnates/relatives and/or they have claimed the land to be their own seeking compensation. However, equally important is the fact when the land actually belongs to the petitioners and they have not been issued notices, and/or they are/were in possession of the land having revenue receipts, their petitions/objections should have been entertained.

10. Important facts have been submitted by the learned State Counsel, the petitioners chose not to file any reply to the counter affidavit, in that background and since the writ petition is of the year 2014, instead of keeping it pending, it would be appropriate that the petitioners approach the concerned respondents and see to it whether the compensation amount of the lands in question is still with the State Authorities or has been released to those against whom notices were issued.

11. They are duty bound to approach the authorities in next four weeks alongwith all the documents who in turn shall be taking the matter to its logical conclusion. If aggrieved, the petitioners may have to approach the competent Civil Court for the redressal of their grievance.



12. If the petitioners approach the authorities in next four weeks, the same shall be taken up and after issuance of notices, the authorities shall be taking the matter to its logical conclusion in next six months. The writ petition is disposed of.

(Rajiv Roy, J)

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