

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3715 of 2015

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Suresh Singh Son of Late Manohar Singh, resident of village- Tapa, Police Station- Tekari and District- Gaya.

.... Petitioner

Versus

1. The State of Bihar.
2. The Divisional Commissioner, Magadh Range, Gaya.
3. The District Magistrate, Gaya
4. The Sub- Divisional Officer, Tekari, Gaya.
5. The Circle Officer, Tekari Circle, District- Gaya.

.... Respondents

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Appearance :

For the Petitioner : Mr. Manish Kumar No-2, Advocate
For the State : Mr. R.K.Priyadarshi, S.C. 32,
Mr. Kundun Kumar, A.C. to S.C. 32

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 23-09-2015

Heard learned counsel for the petitioner and the State.

Allegation of the petitioner is that the respondents are constructing a road upon the raiyati land of plot nos. 2348, 2368 and 2388 of khata nos.919 and 232.

It is well settled that any part of the land belonging to the private persons can be utilized by the State authority either after payment of its compensation after its acquisition in accordance with law or upon his consent. It is submitted on behalf of the petitioner that he has not been given any compensation.

In above view of the matter, this writ application is

being disposed of with a liberty to the petitioner to approach the Collector by filing a detailed representation along with a copy of this order in this regard. On such representation having been filed, let the Collector take a decision upon it in accordance with law. However, if he comes to the conclusion that the land of the petitioner has been utilized or it is purported to be utilized for construction of the road then that can be done only after payment of compensation in accordance with law or upon his consent otherwise the part of the road which has been constructed should be removed to the extent it stands constructed upon the land of the petitioner so that the same could be restored to its original nature. It is expected that the aforesaid exercise would be required to be completed within four months from the date of filing of representation by the petitioner.

(Dr. Ravi Ranjan, J)

Sanjay-II/-

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