

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3674 of 2015

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Krishan Ballabh Prasad Yadav, Son of Sri Ramji Yadav, R/o Jogana,
Akbarpur, District- Nawada.

.... Petitioner

Versus

1. The State of Bihar.
2. The District Magistrate-cum -Collector, Nawada.
3. The Development Commissioner, Nawada.
4. The Sub Divisional Officer, Rajauli, Nawada.
5. The Anchal Adhikari, Block + Circle- Akbarpur, District- Nawada.
6. The Executive Engineer, R.E.O., Rajauli, Nawada.
7. The Assistant Engineer (Incharge), R.E.O., Sub Division, Rajauli,
Nawada.
8. The Junior Engineer, (Incharge), R.E.O., Sub Division, Rajauli, Nawada.

.... Respondents

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Appearance :

For the Petitioner : M/s S.K. Griyaghey,
Ravi Shankar, Advocates

For the Respondent/s : Mr. ANJANI KUMAR- AAG6

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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.

Petitioner claims to be title holder of plot stated in
paragraph 5 of the writ application. It is stated that the area described
in that paragraph has been utilised by the respondent authorities for
construction of a road under Pradhan Mantri Gramin Sadak Yojana

without his consent or without its acquisition in accordance with law.

It is well settled that the land of any person cannot be utilized by the State authority without his consent or without its acquisition in accordance with law after payment of compensation.

Accordingly, this writ application is being disposed of with a liberty to the petitioner to approach the District Magistrate – cum – Collector, Nawada giving details of his land and appending the copies the documents in support of his contention, if any. Upon such representation having been filed, let the Collector pass a reasoned order in accordance with law. It is made clear that if he comes to the conclusion the land of petitioner and his family is being utilized for the construction of the road without proper consent of the land owner then either the same should be acquired in accordance with law after payment of lawful compensation or the construction from the aforesaid land should be removed forthwith so that nature of the land should be restored to its original form.

However, if he comes to the conclusion that the petitioner's land has not been or is not being utilized and the road has been constructed upon the Government or public land or land of other persons from whom consent has already been taken then a detailed and speaking order should be passed which should immediately be communicated to the petitioner.

It is expected that the aforesaid exercise should be completed within four months from the date of filing of such representation along with a copy of this order.

(Dr. Ravi Ranjan, J)

Spd/-

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