

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3943 of 2015

=====

Bharat Prasad Singh, Son of Deo Narayan Singh, Resident of Village : - Lalaro,
P.S. : - Obra, District : - Aurangabad (Bihar).

.... Petitioner

Versus

1. The State of Bihar.
2. The Collector, Aurangabad.
3. The District Land Acquisition Officer, Aurangabad.
4. The Land Reforms, Deputy Collector, Daudnagar, Aurangabad.
5. The Circle Officer, Obra, Aurangabad.
6. The Executive Engineer, Rural Works Department, Division - Daudnagar, Aurangabad.
7. The Union of India through the Secretary, National Rural Roads Development Authority, New Delhi.
8. The In-Charge Officer, District Development Cell, Aurangabad.

.... Respondents

=====

Appearance :

For the Petitioner : Mr. Mrigendra Kumar, Advocate
For the State : Mr. Avanindra Kumar Jha, AAG 13

=====

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL JUDGMENT
Date: 23-04-2015

I have heard parties.

Petitioner seeks following reliefs:

“(I) For issuance of an appropriate writ in the nature of Mandamus directing the respondents to restore the petitioner’s raiyati land in the same position in which it was before laying of the road.

(II) For issuance of an appropriate writ commanding the respondents to hand over the physical possession of the petitioner’s raiyati land, which was forcibly acquired for laying of a road under Pradhan Mantri Gramin Sadak Yojna.

(III) For issuance of an appropriate writ

directing the respondents to compensate the petitioner with procedure laid down for acquisition or any other permissible statutory mode.

(IV) For any other relief/reliefs for which the petitioner is entitled under law as well as on facts.”

It is claimed by the petitioner that the respondents have forcibly constructed road upon his 22 decimals 200 sq. kari of raiyati plot no. 919 appertaining to khata no. 12 of village Lalaro, Anchal Obra in the District of Aurangabad under Pradhan Mantri Gramin Sadak Yojna. The petitioner has filed representations and ultimately has filed objection before the Collector, Aurangabad. A copy of which has appended as Annexure 1. It is contended that the State authorities cannot forcibly utilize the land of the petitioner without payment of any compensation.

Learned counsel appearing for the State submits that there is no provision of construction of roads under Pradhan Mantri Gramin Sadak Yojna after acquisition of land and payment of compensation rather the same has to be constructed either upon the Government land or on the land donated by the concerned.

In above view of the matter, this Court would direct the District Magistrate, Aurangabad to consider the objection/representation of the petitioner upon the concerned plot and if it is found that the road has been constructed over the plots

concerned without the consent of the lawful owner then an order would have to be passed to that effect by District Magistrate-cum-Collector, Aurangabad who will also ensure that the land concerned is restored in the same position in which it was there before construction of the road. The aforesaid direction has been given in view of the stand taken by the State that there is no question of acquisition of deed for said purpose.

Let such exercise be completed within a period of two months from the date of receipt / production of a copy of this order before the District Magistrate, Aurangabad.

Accordingly, this writ application stands disposed of.

(Dr. Ravi Ranjan, J)

Spd/-

U			
---	--	--	--