

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7611 of 2015

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1. Pyare Singh son of Late Raja Ram Singh
 2. Shashi Devi daughter Rajendra Singh
 3. Deo Kunth Prasad Singh son of Late Ramvilash Singh
 4. Satyendra Sharma son of Late Chandradeo Singh
 5. Shushil kumar son of Late Vivek Singh
 6. Raghvendra Kumar Sinha son of Late Naresh Kumar Singh
 7. Most. Ishwari Devi wife of Late Birendra Kumar Singh
 8. Most. Ajbi Devi wife of Late Baleshwar Singh
 9. Arun Kumar son of Late Ramchandra Singh
 10. Mithlesh Kumar son of Late Ramanuj Singh
 11. Ram Dinesh Pd. Singh son of Late Ramji Singh All are resident of Village- Simri , Police Station - Dhanarua, District- Patna.

.... Petitioners

Versus

1. The State of Bihar through the Principal Secretary Rural Work Department.
2. The Chief Engineer I Rural Works Department , Government of Bihar
3. The Superintending Engineer, Rural Works Department Government, Patna, Bihar.
4. The Executive Engineer, Rural Works Department Masaurhi Division, Patna
5. The District Magistrate , Patna.
6. The Sub-Divisional Magistrate , Masaurhi, Patna
7. The Office in charge , Police Station- Dhanarua, District- Patna.
8. The Circle Officer Dhanarua, District- Patna.

.... Respondents

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Appearance :

For the Petitioners : M/s Banwari Sharma, Kamalesh Kumar
Singh and Sahjanand Sharma, Advocates

For the State : Mr. Ratna Deep Prasad, AC to AAG 11

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

2 22-05-2015 I have heard learned counsel for the petitioner and
the State.

Through this writ application, the petitioner seeks
direction to the respondents to stop construction of road
under Mukhyamantri Gramin Sadak Yogna in which the



lands of the petitioner, as stated in paragraph 27 of this writ application, are being utilised without any consent having been given by them or without its acquisition in accordance with law.

It is well settled that the land of a citizen can only be taken or utilized by the State either upon his consent or on its acquisition in accordance with law.

In view of the aforesaid settled principle, this writ application is being disposed of granting liberty to the petitioners to approach the Principal Secretary, Rural Works Department, Government of Bihar, Patna by filing a representation along with a copy of this order. Upon the concerned representation having been filed, let the Principal Secretary, Rural Works Department, Government of Bihar, Patna examine the matter and pass a reasoned order taking into consideration several judicial pronouncements in this regard settling the proposition that the land of a citizen can only be taken or utilized by the State either upon his consent or on its acquisition in accordance with law. If he comes to the conclusion that petitioners' lands are being utilized or have been utilized, he will have to take proper step either to initiate a proceeding for grant of compensation

or to release the lands by removing the structures thereupon and deliver the possession in favour of the petitioners. It is expected that the aforesaid exercise would be completed within a period of eight weeks from the date of filing of the representation by the petitioner.

(Dr. Ravi Ranjan, J)

SC/-

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