

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22816 of 2011

=====

1. Jagdish Prasad Srivastava S/O Late Kamta Prasad Srivastava R/O
Village- Bharat Paon, P.O.- Kathar, P.S.- Krishna Brahim, District- Buxar

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary Road Construction Department,
Bihar
2. The District Magistrate, Buxar
3. The Sub-Divisional Officer, Dumraon, Buxar
4. The Block Development Officer, Simri, Buxar
5. The Executive Engineer, Rural Engineering Department, Buxar
6. Lalan Yadav son of Late Ramcheeg Yadag, resident of village Bharat
Paon, P.O. Kathar, P.S. Krishna Brahim, District Buxar

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Siddharth Harsh, Adv.

For the Respondent/s : Mr. Avnish Nandan Sinha, GP-11

=====

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

3 03-08-2015 Heard Mr. Sidharth Harsh, learned counsel for the petitioner
and Mr. Ashok Kumar Pathak, A.C. to G.P.11 for the State.

The complaint of the petitioner by way this writ petition is
that in the process of execution of the Mukhya Mantri Gramin
Sarak Yojana (hereinafter referred to as 'the Scheme') the
authorities of the State Government including the Executive
Engineer in collusion with the executing agency have constructed
a public road on a portion of the land of the petitioner bearing
Chak Plot No.298 in Mauza Bharat Paon in the district of Buxar.

The grievance of the petitioner stands confirmed in the
report of the Circle Officer placed at Annexure-2 of the writ

petition as well as the joint inspection report placed at Annexure-B series to the counter affidavit filed on behalf of the District Magistrate, Buxar and the construction of public road on the raiyati plot of the petitioner is admitted.

Although the extent of encroachment is mentioned in the report of the Circle Officer placed at Annexure-2 as well as in the joint inspection report placed at Annexure-B series but it is the contention of Mr. Sidharth Harsh appearing for the petitioner that the damage is much more and in the process of construction of road, the respondents have also extracted soil from a large portion of the plot leaving it useless for agricultural purpose. He submits that the extent of damage needs to be verified in the presence of the petitioner.

Having heard learned counsel for the parties and considering the admitted position reflecting from the pleadings which support the grievance of the petitioner, the writ petition is disposed of with a direction to the District Magistrate, Buxar to hold a spot enquiry by a team consisting of the Executive Engineer, the Circle Officer as well as the Circle Amin with due notice and in the presence of the petitioner so as to ascertain the extent of damage caused to his plot and based upon such report, the District Magistrate shall calculate the compensation payable to

the petitioner and make payment of the same. The entire exercise of holding enquiry and payment of compensation to the petitioner should be done expeditiously and preferably within three months from the date of receipt/production of a copy of this order.

The writ petition is disposed of with directions aforementioned.

(Jyoti Saran, J)

Bibhash/-

U			
---	--	--	--