

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.832 of 2015

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Ram Deo Mandal son of late Panchu Mandal, resident of Village- Amoja,
P.O.- Pir Nagar, P.S. Gwalpara District- Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Principal Secretary, Rural Development Department, Government of Bihar, Patna.
3. District Magistrate, Madhepura.
4. Deputy Development Commissioner, Madhepura Collectorate, Madhepura.
5. Sub. Divisional Officer, Madhepura.
6. Circle Officer, Gwalpara, District- Madhepura.
7. Block Development Officer, Gwalpara Block, District- Madhepura.
8. Executive Engineer, Rural Development Department, Kishanganj District- Madhepura.
9. Uday Sharma son of (not known to the petitioner) Contractor, Rural Development Department, Kishanganj, District- Madhepura.
10. Bihar State Bridge Construction Corporation, Patna, through its Managing Director.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shanti Pratap

For the Respondent No.1 to 8 : Mr. Santosh Kumar Jha, GP 3

For the Respondent No.10 : Dr. Anand Kumar

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

5 05-08-2015 Heard the parties.

The grievance of the petitioner in the present writ petition is that the respondent Bihar State Bridge Construction Corporation, Patna, has constructed an approach road as also bridge over the land belonging to the petitioner, but the said land was neither acquired by the State Government nor any amount of compensation has been paid to the petitioner till date.

Learned counsel appearing on behalf of the petitioner submits that if adequate compensation is paid, the petitioner shall not press for removal of the road or bridge constructed over the land in question. The plea raised on behalf of the petitioner in the

present writ petition has not been controverted by the respondent no. 1 to 8 in the counter-affidavit filed on their behalf.

Learned Government Pleader-3, appearing on behalf of the aforesaid respondents, submits that, in fact, the matter was examined and it was found that over the lands belonging to the petitioner, an approach road as also the bridge has been constructed by the respondent No.10 and, accordingly, the respondent District Magistrate, Madhepura made a recommendation for payment of adequate compensation to the petitioner.

Learned counsel appearing on behalf of the respondent no.10 submits that though he has not filed any counter-affidavit till date, but if the petitioner files a representation before the Managing Director of the respondent Bihar State Bridge Construction Corporation, Patna, then claim of the petitioner shall be considered and appropriate compensation shall be paid to him in accordance with law, if over the lands of the petitioner, approach road as also the bridge have been constructed.

In view of fair stand taken by the learned counsel appearing on behalf of the parties, this Court directs the petitioner to file a comprehensive representation before the Managing Director of the respondent Bihar State Bridge Construction Corporation, Patna with all supporting documents as also the certified copy of the present order within a period of four weeks from today.

If such a comprehensive representation is filed on behalf of the petitioner, then the Managing Director of the respondent Bihar State Bridge Construction Corporation, Patna shall be obliged to consider and dispose of the same in accordance with

law by a reasoned and speaking order at an early date preferably within a period of three months from the date of filing of such representation.

If on consideration of the materials, the Managing Director of the respondent Bihar State Bridge Construction Corporation, Patna, comes to a conclusion that the claim(s) raised on behalf of the petitioner is admissible to him and he is entitled for compensation, then admissible amount shall also be paid to him within the same period of time.

The writ petition stands finally disposed of with the observations and directions made above.

(Birendra Prasad Verma, J)

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