

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15700 of 2015

Paras Nath Singh, son of Late Khadgdhari Bhagat, resident of village Maujipur –
Khijirpur, P.S. Fatuha, District Patna

.... Petitioner

Versus

1. The State of Bihar through the Secretary, Department of Revenue and Land Reforms, Main Secretariat, Patna
2. District Magistrate – cum – Collector, Patna
3. Deputy Development Commissioner, Patna
4. Circle Officer, Fatuha, District Patna
5. Executive Engineer, Local Region, Engineering Organization Works Division No. 1, Department of rural Engineering Organization Government of Bihar, Vishweshwariya Bhawan, Baily Road, Patna

.... Respondents

Appearance :

For the Petitioner : Mr. Kishore Kumar Thakur, Advocate

For the State : Mr. Yogendra Kumar Singh, AC to SC 15

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 01-10-2015

I have heard learned counsel for the petitioner and the State.

Claim of the petitioner is that purchased lands of his forefather in the years 1926 and 1935 of plot no. 220 appertaining to khata no. 52, measuring an area of 1 acre and 23 decimals as well as plot no. 182 appertaining to khata no. 34 of an area of 4 decimals, both of Mauza Saidpur-Khijirpur, Fatuha, District Patna, are being utilized by the State Government for construction of pucca road under Mukhya Mantri Regional Development Project without its acquisition in accordance with law or without consent of the petitioner.



In above view of the matter, this writ application is being disposed of with a liberty to the petitioner to approach the District Magistrate – cum – Collector, Patna by filing a detailed representation setting out his claim along with copies of necessary documents in support thereof. On such application having been filed, let the District Magistrate, Patna consider it and take decision in accordance with law. If it is found that the rayati or purchased land of the petitioner or his forefather which has fallen in the share of the petitioner and for which separate jamabandi numbers have been opened in the name of the petitioner is being utilized for construction of road, then the Collector would have two options, either to initiate proper proceeding of acquisition of the land and grant compensation to the petitioner or to remove the construction already made so that the land of the petitioner could be brought to its original form or nature. In case no construction has been made as yet and it is being sought to be utilized for the said purpose then that should be stopped forthwith. However, if it is found that the petitioner's prayer is not genuine then a reasoned order should be passed and communicated to the petitioner.

Till such decision taken by the Collector, let the further construction of road upon the land claimed by the petitioner remain stopped.

It is expected that the entire 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/-

U			
---	--	--	--