

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16816 of 2014

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Sheshnath Singh son of Uma Shankar Singh, resident of village AND P.O.-
Bhadwar, P.S. Began Gola, District- Buxar

.... Petitioner

Versus

1. The State of Bihar
1(A) The Principal Secretary, Rural Work Department, Patna
2. The Deputy Development Commissioner, Buxar
2(A) The District Magistrate, Buxar
3. The District Land Acquisition Officer, Buxar
4. Executive Engineer, Rural Development Works Division, Dumraon, Buxar
5. Sub Divisional Officer, Dumraon, Buxar
6. Circle Officer, Barhampur, District- Buxar

.... Respondents

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Appearance :

For the Petitioner : Mr. Mohit Srivastava,
Mr. Vijay Kumar, Advocates
For the State : Mr. Madhuresh Prasad, G.P. 12

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 27-11-2015

Heard the parties.

As prayed, petitioner is permitted to implead the
Principal Secretary, Rural Works Department and the District
Magistrate, Buxar as respondent nos. 1(A) and 2(A).

Grievance of the petitioner is that 0.08 acre of land of
the petitioner of khesra no. 335 appertaining to khata no. 207, thana



no.296 of has been utilized in the construction of the road by the Rural Works Department. It is contended that despite several representations given including the District Magistrate, Buxar, nothing has been done. It is well settled that the land of a person cannot be utilized for making any construction by the State Government or its authorities in any manner without either its acquisition after payment of compensation in accordance with law or unless he gives consent for that.

In above view of the matter, this writ application is being disposed of with a direction to the petitioner to file a fresh representation before the District Magistrate, Buxar making out of his claim along with necessary documents in support thereof. On such representation having been filed, let the District Magistrate examine the matter and if he comes to the conclusion that the petitioner's land has been utilized in construction of the road then he should immediately refer the matter to the Principal Secretary, Rural Works Department who, in his turn, would either take step for its acquisition and payment of compensation to the petitioner or would direct the Department to remove the construction from the part of the road which has been constructed upon the petitioner's land. However, if the Collector comes to the conclusion that the road has not been constructed upon the land of the petitioner then a reasoned order

would be required to be passed by him, which should be immediately communicated to the petitioner. It is expected that the whole exercise would be concluded within three months from the date of filing of such representation by the petitioner along with a copy of this order.

(Dr. Ravi Ranjan, J)

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