

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3794 of 2015

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Pramila Devi, Wife of Sri Balakant Prasad Singh resident of Village- Lodipur, P.S- Bind, District Nalanda at present of S.R.T. 61, Rajendra Nagar Road No.13, Patna- 16.

.... Petitioner

Versus

1. The State of Bihar through the Secretary Arban Development Department Govt. of Bihar at Vikas Bhavan Bailey Road, Patna.
2. The Collector, Patna.
3. The Land acquisition Officer, Patna.
4. The Municipal Commissioner, Patna Muncipal Corporation MouryaLok Complex, Patna.

.... Respondents

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Appearance :

For the Petitioner : Mr. Ram Sumiran Singh, Advocate
For the State : Mr. Prashant Pratap, G.P. 6
For the P.M.C. : Mr. Prasoon Sinha, Advocate

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 23-09-2015

Heard learned counsel for the petitioner, the State and the Patna Municipal Corporation.

Petitioner's grievance is that the land purchased by her through a registered sale deed in the year 1991, a copy of which has been appended as Annexure 1 which relates to the plot no.192 appertaining to khata no.200 of Mauja,

Bariya/Sampatchak, is being utilized without its acquisition for construction of approach road to the garbage dumping ground.

It is well settled that the private land of any person cannot be utilized by the State authority for any purpose without its proper acquisition after payment of compensation in accordance with law or without the consent of the parties concerned.

In above view of the matter, this writ application is being disposed of granting liberty to the petitioner to approach the Municipal Commissioner, Patna by filing a detailed representation in this regard. On which, he would take a decision as to whether any private land of the petitioner has been or is being utilized for the construction of approach road or for any other public purpose by the Patna Municipal Corporation. If he comes to the conclusion that the same has been utilized without its acquisition then would required either to grant compensation to the petitioner after its acquisition in accordance with law otherwise that construction should immediately be removed. For coming to such a conclusion, it would be apt if the measurement of the land is done in the presence of the petitioner after giving notice upon him. The petitioner would also be required to co-operate in the matter and should not evade notice

or date of measurement otherwise, the Municipal Commissioner would be at liberty to proceed even *ex parte* and take a decision.

It is expected that the aforesaid exercise should be completed within two weeks.

(Dr. Ravi Ranjan, J)

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