

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1612 of 2013

- =====
1. Pramod Kumar Verma Son of Late Ramchandra Prasad, Resident of Village- Muluktand; Police Station- Haveli Kharagpur; District- Munger
 2. Vinod Kumar Sinha Son of Late Ramchandra Prasad, Resident of Village- Muluktand; Police Station- Haveli Kharagpur; District- Munger
 3. Arvind Das Son of Late Babu Lal Ravidas, Resident of Village- Muluktand; Police Station- Haveli Kharagpur; District- Munger
- Petitioner/s

Versus

1. The State of Bihar
2. The Collector-Cum-District Magistrate, Munger
3. The Deputy Collector And Land Reforms, Munger
4. The Circle Officer, Haveli Kharagpur, Munger

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Pancham Lal Jaiswal
Mr. Raju Kumar Goshwami

For the Respondent/s : Mr. Ranjan Kumar, AC to AAG-IV

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

10 25-06-2015 Heard the parties.

The petitioners have filed the present writ petition for a direction to the respondents for payment of compensation to them on account of acquisition of their lands, detailed in paragraph-1 of the writ petition itself, for construction of the village road.

Learned counsel appearing on behalf of the petitioners, by referring to the averments made in paragraphs-4,5,6 and 7 of the writ petition, submits that the lands in question belonging to the petitioners have been acquired by the State Government for construction of a public road/ village road. Therefore, direction may be issued to the respondents for payment of adequate compensation to the petitioners.

The matter has been contested by the respondents by filing a detailed counter-affidavit on behalf of the respondent no. 2 to 4. In the aforesaid counter-affidavit it has been specifically



asserted that the lands in question allegedly belonging to the petitioners, were never acquired by the State Government. It has further been stated that a three men committee was constituted by the respondent District Collector, Munger, for looking into the grievances of the writ petitioners. The aforesaid enquiry committee submitted its report dated 4.4.2013 (Annexure-C) wherein it was indicated that the villagers had voluntarily constructed a kucha road from village Muluktand to Khaira about 20-25 years ago. It has also been pointed out that the aforesaid kucha road was constructed by the local people on the lands provided by them with their free will and construction was made by their own labour. The State Government had no concern with the construction of the aforesaid kucha road. The allegation of acquisition of the lands in question by the State Government has been specifically denied by the respondents.

After having heard the parties this Court finds that in the whole writ petition no document has been produced by the writ petitioners showing acquisition of the lands in question by the State Government. In view of the aforesaid disputed question of fact as also in view of the fact that no document/ material has been produced by the petitioners showing acquisition of their lands by the State Government, no direction can be issued for payment of compensation to the petitioners.

However, if the petitioners' lands have been encroached upon by any individual or the villagers in general or the lands have been forcibly occupied by the villagers for construction of the village road, then they are at liberty to approach the civil court of competent jurisdiction by filing an appropriate suit for grant of appropriate relief, as for adjudication of the claims of the

petitioners evidence will have to be recorded or alternatively they may approach the appropriate authority of the State for removal of such encroachment over their lands allegedly belonging to them.

With the aforesaid observations and directions, the writ petition stands finally disposed of.

(Birendra Prasad Verma, J)

BTiwary/-

U			
---	--	--	--