

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11292 of 2015

Shishir Kumar S/O Late Maheshwar Prasad Thakur, resident of village- Gorgama,
P.S.- Patori, District- Samastipur.

.... Petitioner

Versus

1. The State of Bihar, through the Principal Secretary, Home, Government of Bihar, Patna.
2. The District Magistrate, Samastipur.
3. The Sub-Divisional Magistrate, Patori, District- Samastipur.
4. The Land Reforms Deputy Collector, Patori, District- Samastipur.
5. The Circle Officer, Patori, District- Samastipur.
6. The Station House Officer, Patori P.S., District- Samastipur.
7. Binod Prasad Singh S/O Nandu Singh, resident of village- Rupauli, P.S.- Patori, District- Samastipur.
8. Binay Kumar @ Binay Kumar Rai S/O Late Laxmi Rai, resident of village- Rupauli, P.S.- Patori, District- Samastipur.

.... Respondents

Appearance :

For the Petitioner : Mr. Sunil Kumar Thakur, Advocate
For the State : M/s. P.K. Verma, AAG-5
Mankeshwar Tiwari, A.C. to AAG-5

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 27-08-2015

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

In view of nature of order which is going to be
passed in this case, the same is being considered and disposed
of without issuing notices upon the private respondents.

The petitioner claims to be owner of plot no.1349
of an area 74 decimals appertaining to khata no.168 of
Revenue Thana No.142/2, Mouza Rupauli.

It is contended that the Panchayat Samiti is constructing the part of the aforesaid land without its acquisition in accordance with law and payment of compensation to the petitioner.

It is well settled that the State authority can utilize the land belonging to a person either on his/her consent or on its acquisition in accordance with law and other payment of compensation.

In above view of the matter, this writ application is being disposed of with a liberty to the petitioner to approach the District Magistrate, Samastipur by filing a representation along with the copies of the documents in support of his contention.

Let the District Magistrate get the land properly measured and examine the matter. If it is found that the land belonging to the petitioner is being utilized in any manner by the Panchayat Samiti or any authority then either it should be acquired after payment of compensation in accordance with law or the structure should be removed forthwith and the possession of the land should be delivered to the petitioner. However, if it is found that the land does not belong to the petitioner or the construction has not been made on his land



then he would be required to pass a reasoned order and communicate it to the petitioner.

It is expected that the entire exercise would be completed within a period of eight weeks from the date of receipt/production of a copy of this order.

(Dr. Ravi Ranjan, J)

N.H./-

U			
---	--	--	--