

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1747 of 2015

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Arun Kumar son of Late Shiv Kant Sahay, resident of village Aima,
P.S.Khijarsarai, District Gaya, presently, residing at Gewalbigha,
P.S.Gewalbigha, District Gaya

.... Petitioner/s

Versus

1. The State of Bihar
2. The Collector, Gaya
3. Land Acquisition Officer, Gaya
4. Deputy Collector, Land Reforms, Gaya
5. Circle Officer, Khizarsarai, District Gaya
6. Executive Engineer, Central Public Works Department, Gaya
7. Union of India through Executive Engineer, Central Public Works
Department, Gaya

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dinesh Prasad Verma, Advocate
For the Respondent Nos. 1 to 6 : Mr.Sushil Kumar Singh, AC to SC 23
For the Respondent No.7 : Mr.S.D.Sanjay, Addl.Solicitor General
Mr.Anshay Bahadur Mathur, CGC

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

7 26-08-2015

Heard the parties.

2. The grievance of the petitioner in the present writ petition is that his land bearing old khata no. 273 corresponding to new khata no. 94 appertaining to old plot no. 1829 corresponding to new plot no. 04, total area 1 acre 37 decimals situate at Mauza Aima, P.S.Khijarsarai, District Gaya has been acquired by the respondents for the purposes of construction of a road bridge, but neither any land acquisition proceeding was started for the same nor any amount of compensation has been paid to him.

3. This matter was heard earlier on different dates and separate sets of counter affidavits have been filed on behalf of the respondents. In the counter affidavit filed on behalf of the Executive Engineer, Road Construction, Division No.I, Gaya, it



has been stated that the road bridge as well as approach road over the land of the petitioner was constructed by the Central Public Works Department, Gaya Division without giving any information to the answering respondent. It has further been stated in paragraph 7 of the aforesaid counter affidavit that only an area of 25 decimals of new khesara No.04 belonging to the petitioner has been used for the purposes of construction of a road bridge. It has also been stated that after taking into consideration the entire facts, the amount of compensation payable to the petitioner has been assessed and estimate of Rs.74,05,809.00 has been prepared, which is required to be paid to the petitioner by way of compensation. Letter dated 13.07.2015 issued by the respondent no.6 to the Superintending Engineer, Magadh Road Circle, Gaya has been brought on record as Annexure-D to the aforesaid counter affidavit, whereby technical approval has been sought and request has been made for release of the aforesaid amount, so that payment is made to the petitioner by way of compensation for the land utilized for the purposes of construction of road bridge as also the approach road.

4. Learned AC to SC 23, appearing on behalf of the respondent nos. 1 to 6, submits that the amount of compensation, so calculated, shall be paid to the petitioner within a period of three months.

5. Learned Additional Solicitor General, appearing on behalf of the respondent no.7, by referring to the averments made in the counter affidavit filed on its behalf, submits that the averments made in the counter affidavit filed on behalf of the respondent no.6 are not fully correct. According to him, as per Tripartite agreement executed on 27.04.2005 it was the

responsibility of the respondent State through respondent no.6 to provide land to the respondent no.7 for construction of the road bridge. Therefore, according to him, the allegation made in the counter affidavit filed on behalf of the respondent no.6 that construction was made over the land of the petitioner without any information to him is incorrect.

6. Learned counsel appearing on behalf of the petitioner submits that if the amounts so calculated for the purposes of compensation are paid to the petitioner, then he shall have no grievance with the construction of road bridge over the land belonging to him. However, he submits that the amount of compensation may be directed to pay at an early date.

7. In the aforesaid facts and circumstances of the case and in view of the fact that the respondent State of Bihar and its functionaries have calculated the amount of compensation payable to the petitioner to the tune of Rs.74,05,809.00 (Rupees seventy four lacs, five thousand and eight hundred nine only), this writ petition is disposed of with a direction to the respondent nos. 1 to 6, particularly, respondent no.6 to make payment of the aforesaid mount to the petitioner at an early date preferably within a period of two months from today.

(Birendra Prasad Verma, J)

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