

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.3687 of 2013

IN

Civil Writ Jurisdiction Case No. 5723 of 2013

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Brind Kumar Singh, S/O Late Sant Lal Singh, Resident of Gawaspur, P.S. - Karai
Pasurai, District - Nalanda (Bihar Sharif)

.... Petitioner

Versus

1. The State of Bihar
2. Mr. A.K. Sinha S/O not known the Chief Secretary, Government of Bihar, Patna
3. Mr. Amir Subhani S/O not known the Principal Secretary Department of Home,
Govt. of Bihar Patna
4. Mr. Dr. C. Ashok Bardhan S/O Not Known the Principal Secretary Department
of Revenue Govt. Of Bihar Patna
5. Mr. E.L.S.N. Bala Pd S/O Not Known the Divisional Commissioner, Patna
Division, Patna
6. Mr. B. Kartikew S/O Not Known the Collector Nalanda, District - Nalanda
(Bihar Sharif)
7. Mr. Satish Kumar S/O Not Known the District Forest Officer Nalanda, District -
Nalanda At Bihar Sharif
8. Mr. Kartikew S/O Not Known the D.D.C. Nalanda District - Nalanda (Bihar
Sharif)
9. Mr. Ram Chandra Prasad, S/O Not Known the L.R.D.C. Hilsa, District - Nalanda
10. Mr. Ravi Kumar Chauhan S/O Not Known the District Land Acquisition
Officer, Nalanda, District - Nalanda
11. Mr. Ajit Kumar Singh S/O Not Known the Sub-Divisional Magistrate, Hilsa,
District - Nalanda
12. Mr. Aurn Kumar Singh S/O Not Known the Circle Officer, Karai Pasurai,
District - Nalanda

.... Respondents

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Appearance :

For the Petitioner/s : Mr. DHIRENDRA KUMAR, ADV.

For the Respondent/s : Mr. LALIT KISHOR, ADV.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 01-05-2015

In this case, this Court vide order dated 18.04.2013 in
C.W.J.C. No. 5723 of 2013 disposed of the writ application with the
following orders:

“This writ application is, accordingly,



disposed of with direction to the Commissioner, Patna Division, Patna to take cognizance of the complaint of the petitioner dated 28.02.2013, a copy whereof is Annexure-3 to the writ application, and pass orders for local inspection by a responsible officer of his office with assistance of survey knowing Amin who shall get the land measured and get damage caused to the land of petitioner assessed. Report shall be submitted to the Commissioner, Patna positively within one month and thereafter he shall pass appropriate orders in accordance with law in the matter. This will be without prejudice to the right of the petitioner to file an appropriate suit before the court of competent jurisdiction for quantification of the compensation.”

In the present case, the show cause had been filed in which, statement has been made to this effect that in pursuance of the order, an enquiry was conducted by the Commissioner, he arrived to finding that while constructing the road, earth were extracted from his field for construction of the road. As per the direction of this Court, the State submits that the field has been refilled and brought to its original position.

Counsel for the petitioner disputed the fact, so much so, that he is entitled to the compensation for extracting earth from his field, they have also uprooted 20 mango trees, 10 Shagwan trees, 02 Jamun trees, 01 Lichi tree, 01 Anwala tree, 01 Mahogani tree, 01 Sarifa tree, which has been denied by the State. As these disputed question of facts, cannot be looked into, the petitioner is at liberty to seek relief before appropriate forum under legal course available to

the petitioner. The counsel for the petitioner has also submitted that though they have filled up some earth in the ditch but it has not been brought to culturable position.

Accordingly, this petition is disposed of with the aforesaid liberty.

(Shivaji Pandey, J.)

Vats/-

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