

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.314 of 2015

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1. Shyam Sundar Rai @ Sone Lal Rai son of Late Ram Surat Rai, resident of Village - Darba, P.S. Tajpur, District – Samastipur
 2. Gangiya Devi wife of Shyam Sunder Rai @ Sone Lal Rai, resident of village Darba, P.S.,Tajpur, District Samastipur

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. The Commissioner, Darbhanga
3. The District Magistrate, Samastipur
4. The District Land Acquisition Officer, Samastipur
5. The Additional District Magistrate, Samastipur
6. The Executive Engineer Village Works Department, Patory, Samastipur
7. The B.D.O. Patori, Samastipur
8. The Principal Secretary, Rural Development Department, Govt. of Bihar, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Mishra, Advocate

For the Respondent/s : Mr. Rajesh Kumar, GP 19

Mr.Birendra Kumar, AC to GP 19

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

9 28-09-2015

Heard the parties.

2. The two petitioners, who are husband and wife respectively, have filed the present writ petition under Article 226 of the Constitution of India seeking a direction to the respondent authorities to pay them adequate compensation for their lands bearing old khata no.724 corresponding to new khata no.1205 appertaining to khesra no. 3957 situate at village Methurapuar Tajpur in the district of Samastipur, over which road over bridge at Noon River Canal has been constructed without initiating any land acquisition proceeding.

3. This matter was heard earlier on different dates. Separate counter affidavits on behalf of the respondent no.7 as also the respondent no.8, and a supplementary counter affidavit on



behalf of the respondent no.8 were filed earlier. However, as this Court was not satisfied with the stands taken on behalf of the respondents, by an order dated 21.08.2015 a direction was issued for personal appearance of the Principal Secretary, Department of Rural Development, Govt. of Bihar, Patna on 25th August, 2015 with a fresh counter affidavit on his behalf disclosing his stand with respect to the grievances raised on behalf of the petitioners in the present proceeding.

4. In compliance of the aforesaid order dated 21.08.2015, Sri Vinay Kumar, the Secretary, Rural Works Department, Govt. of Bihar, Patna appeared in person on 25.08.2015 with a counter affidavit on his behalf. This matter was heard on that date for some time. However, on the request of the learned Secretary, the matter was adjourned for a period of one month and was ordered to be listed on 28th September, 2015 i.e. today with an understanding that in the meantime the claims raised on behalf of the petitioners regarding the land in question shall be examined by the respondent Secretary at his own level in consultation with the other subordinate authorities/respondents.

5. In compliance of the aforesaid order dated 25.08.2015 Sri Vinay Kumar, the Secretary, Rural Works Department, Govt. of Bihar, Patna, once again is in appearance in person with a supplementary counter affidavit on his behalf. In the aforesaid supplementary counter affidavit it has been stated that the matter was enquired into and claim of the petitioners was examined and it was found that the owner of the land is entitle to receive Rs.4,57,600/- only by way of compensation. The respondent Secretary submits that , in fact, measurement of the land was taken in presence of the petitioners, whereafter it was

found that only 22 decimals of land has been utilized for the construction of the aforesaid over bridge. He further submits that, in fact, the amount of compensation along with amount of solatium and other admissible amounts were calculated whereafter it was found that Rs. 4,57,600/- is payable to the owner of the land. It has further been stated in the aforesaid supplementary counter affidavit that the aforesaid amount of Rs.4,57,600/- has been transferred to the respondent District Magistrate, Samastipur through Bank Draft and the amount shall be paid to the owner of the land by the competent authority within a period of three weeks.

6. After having heard the parties and taking into consideration the averments made in the supplementary counter affidavit filed on behalf of the respondent Secretary, this writ petition is disposed of with a direction to the respondents to pay the aforesaid admissible amount of Rs.4,57,600/- within a period of three weeks from today to the owner of the lands in question. The respondent Secretary assures this Court that the order shall be complied with positively within the aforesaid period of time. In above view of the matter, the claim of the petitioners is allowed to the extent indicated above.

7. The writ petition stands finally disposed of with the observations and directions made above.

(Birendra Prasad Verma, J)

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