

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14227 of 2015

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Ram Pravesh Singh, Son of Late Jainandan Singh, resident of village -
Kukudhiya, P.O. Choubey Ambara, District - Muzaffarpur

.... Petitioner

Versus

1. The State of Bihar
2. The Chief Secretary, Old Secretariat, Patna
3. Chief Engineer, Rural Works Department, Muzaffarpur
4. Executive Engineer, Rural Works Department, East Muzaffarpur
5. District Magistrate, Muzaffarpur
6. Circle Officer, Saraiya, District - Muzaffarpur
7. Shubham Construction Private Limited, at Bhagwanpur, P.O. Bhagwanpur, District - Muzaffarpur
8. Ajay Kumar Singh (Petty Contractor) Son of Mahendra Singh resident of village - Rewa, P.O. Rewa, District – Muzaffarpur.
9. Principal Secretary, Rural Works Department, Old Secretariat, Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Ajay Kr Singh No.1, Advocate

For the Respondent/s : Mr. Raju Giri, G.P.-30

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

2 01-10-2015 I have heard learned counsel for the petitioner and the State.

The grievance of the petitioner is that 7 decimals of his *raiya* land of Khesra No.249 appertaining to Khata No.37 of village Kukudhiya, Block and P.S.-Saraiya, District- Muzaffarpur has been utilized in construction of the road without any compensation granted to him by the Rural Works Department, Muzaffarpur. The petitioner claims that part of the road was encroached by certain persons, thereafter, the road has been constructed through the land of the petitioner.

It is well settled that *raiya* or private land cannot be

utilized by the State Government without its acquisition and after granting compensation to the owner/title holder in accordance with law or the consent of the concerned owner.

In above view of the matter, this writ application is being disposed of with a liberty to the petitioner to approach the District Magistrate, Muzaffarpur by filing a representation setting out his claim along with copies of documents in support thereof. The District Magistrate will examine the matter and also call upon the Rural Works Department to set out their claim and, thereafter, take a decision on its own merit. If it is found that the petitioner's land has been utilized without its acquisition and payment of any compensation or without his consent then he will immediately refer the matter to the Principal Secretary, Rural Works Department, Patna (respondent no.9) so that proper action be taken for payment of compensation to the petitioner in accordance with law or for removal of the part of the road which has been constructed upon his land to bring it back to its original form and nature. Hence, if he comes to the conclusion that the petitioner is not entitled for any compensation and the road has correctly been constructed then he will be required to pass a reasoned order and communicate the same to the petitioner immediately.

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

(Dr. Ravi Ranjan, J)

V.K. Pandey/-

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