

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4319 of 2015

Uma Kant Singh, Son of Late Hari Nath Singh, resident of vill.- Khoripakar , P.S. Jamobazar, Block - Barhariya, District- Siwan.

.... Petitioner

Versus

1. The State of Bihar, through the Principal Secretary, Rural Development Department, Government of Bihar, Patna.
2. The Principal Secretary, Rural Development Department, Government of Bihar, Patna.
3. The District Magistrate, Siwan
4. The Block Development Officer, Barhariya , Siwan
5. The Circle Officer, Block-Barhariya , District - Siwan.
6. The Executive Engineer, Rural Development Department, Government of Bihar, Siwan.
7. Shri Anish Kumar, Son of Prakash Singh resident of Village- Khoripakar, P.S. Jamobazar , District- Siwan.

.... Respondents

Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh, Advocate

For the Respondent/s : Mrs. Nutan Kumari Sharma, AC to G.A.-9

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN ORAL JUDGMENT

Date: 16-12-2015

Heard learned counsel for the petitioner and the State.

The petitioner's grievance is that his land of Survey Plot No. 737 of Khata no.36 of an area 12 Katha out of 5 Bigha, 12 Katha, 2 Dhur situated at village- Khoripakar, Block-Barhariya, District- Siwan is forcibly being utilized by the State authorities for construction of a road under Pradhanmantri Gramin Sadak Yojna.

A counter affidavit has been filed on behalf of respondent nos. 3 to 6 stating that after measurement of the land, the Anchal Adhikari has come to the conclusion that the petitioner's land is not being utilized, however, learned counsel for the petitioner submits that the measurement has been done behind the back of the petitioner as

no notice regarding the date of measurement has been given to him.

Be that as it may, in view of the persisting *lis*, this writ application is being disposed of with a liberty to the petitioner to approach the District Magistrate, Siwan by filing a representation. Thereafter, the District Magistrate, Siwan will take steps to get the land concerned measured in presence of the petitioner and, thereafter, if he comes to the conclusion that the petitioner's land has been utilized or is being utilized then he would take steps either for removing the construction from the said land and handover the possession of utilized portion of petitioner's land back to him in its original form or in case the State wants to acquire the land for construction of the road then he should immediately take steps to acquire the same in accordance with law and grant necessary compensation to the petitioner.

In case, he comes to the conclusion that the land of the petitioner is not being utilized for the said purpose then he should pass a reasoned order and the same along with copy of the measurement report be communicated to the petitioner and the land of 5 Bigha, 12 Katha and 2 Dhur belonging to the petitioner should be demarcated by him if there is no dispute with the petitioner with any private person in this regard.

V.K. Pandey/-

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(Dr. Ravi Ranjan, J)