

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.34 of 2015

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1. Jay Kumar Singh S/O Late Kamleshwar Prasad Singh, resident of vill+P.O-Pandooi,P.S-Parasbigha,Distt.-Jehanabad, presently residing at Shyam Nagar,P.S+Distt.-Jehanabad
 2. Vijay Kumar Singh S/O Late Kamleshwar Prasad Singh, resident of vill+P.O-Pandooi,P.S-Parasbigha,Distt.-Jehanabad,presently residing at Belan Bazar,Bangali Tola,P.S-Kasim Bazar,Distt.-Munger
 3. Avinash Prasad Singh S/O Late Kamleshwar Prasad Singh, resident of vill+P.O-Pandooi,P.S-Parasbigha,Distt.-Jehanabad, presently residing at House No.149,Block-N,South City-1,Gurgaon,Haryana.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. The District Magistrate, Jehanabad
3. The District Land Acquisition Officer, Jehanabad

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Shekhar Singh, Advocate

For the Respondent/s : Mr. Ritesh Kumar, SC-33

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL ORDER

2 04-02-2015 Heard Mr. Shekhar Singh, learned counsel for the petitioner and learned counsel for the State.

The prayer made by these petitioners in this writ petition is for a direction to the respondent no. 2 the District Magistrate, Jehanabad as well as the respondent no. 3 District Land Acquisition Officer, Jehanabad to immediately stop the construction of a building on the raiyati land of the petitioners bearing Khata No. 307, Plot No. 309 admeasuring 3.5 acres situated at village-Jamuawan, P.S. Parasbigha in the district of Jehanabad.

The grievance of the petitioners is that without consent

and without taking recourse to the provisions of the Land Acquisition Act, 1894, that the respondents have engaged in the construction of a building for establishment of Industrial Training Institute on the land of the petitioners and a protest made by the petitioners before the Collector, Jehanabad present at Annexure-3 as back as on 22.7.2014 remains pending for disposal.

Having heard learned counsel for the parties and taking note of the nature of the grievance, this writ petition is disposed of with a direction to the Collector, Jehanabad to consider the grievance of the petitioners as reflected in the representation received in his office on 22.7.2014, a copy of which is placed at Annexure-3 to the writ petition and dispose of the same after giving opportunity of hearing to the petitioners within three months from the date of receipt / production of a copy of this order.

It is made clear that any construction on the raiyati land of the petitioners without their consent and without taking recourse to the provisions of the Land Acquisition Act would be at the risk of the state authorities and if ultimately found illegal would have to be removed from the said plot.

(Jyoti Saran, J)

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