

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9228 of 2015

=====

1. Kailash Singh son of Late Halkhori Singh,
2. Nand Kumar Singh son of Late Ramprit Singh Both residing at Kosut, Tola-
Moglanichak, P.S.- Dhanarua, District- Patna.

.... Petitioners

Versus

1. The State of Bihar through the Principal Secretary Rural Development
Department, Govt. of Bihar, Patna.
2. The Principal Secretary Rural Development Deptt. Govt. of Bihar, Patna.
3. The Chief Engineer, Rural Work Department, Govt. of Bihar, Patna.
4. The District Magistrate, Patna.
5. The Deputy Development Commissioner, Patna.
6. The S.D.O. Mashaurhi, Patna.
7. The Circle Officer, Dhanarua, Patna.
8. The Block Development Officer, Dhanarua, Patna.

.... Respondents

=====

Appearance :

For the Petitioners : Mr. Binod Kumar, Advocate
For the State : Mr. S. Rahman, A.C. to S.C.7

=====

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 27-08-2015

I have heard learned counsel for the petitioners and the
State.

Petitioners allege that part of their plot no.2589 of an
area 62 ½ decimals out of which 11 katha is in possession of the
petitioner no.1 and 7 katha is in possession of the petitioner no.2 have
been utilized during construction of road under Mukhyamantri Sadak
Yojana under the Department of Rural Works in connection with
Work No.SBD/2015-16 by filling up soil etc. by the contractor.

It is well settled that the raiyati land of a person cannot

be utilized or for construction or even for extracting earth or any other manner by the government authorities without its acquisition in accordance with law for payment of compensation or his consent. Since it has been alleged by the petitioners that, without resorting to any legal procedure for acquisition, the land has been utilized in the aforesaid manner and he has also approached the District Magistrate for the purpose by filing representation contained in Annexure-4, this writ application is being disposed of with a direction to the District Magistrate, Patna to get the land measured and examine the claim of the petitioners. If it is found that petitioners' plots are being utilized in any manner by the State authorities without their consent then he would be required to acquire it in accordance with law and grant compensation otherwise the construction or any development made upon the land of the petitioners should be removed forthwith so that the same could be brought to its original form and nature.

Let such decision be taken within a period of eight weeks from the date of receipt/production of a copy of this order.

(Dr. Ravi Ranjan, J)

N.H./-

U			
---	--	--	--