

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12348 of 2016

=====

1. Nisha Devi, Wife of Hiralal Prasad,
2. Hiralal Prasad, Son of Late Rameshwar Prasad.
Both are Residents of Village- Mathurapur, Tola- Kamalpur P.S. Khagaria,
District- Khagaria.

.... Petitioners

Versus

1. The State of Bihar, through the Collector, Khagaria.
2. The Deputy Development Commissioner, Khagaria.
3. The Executive Engineer (Rural Development Department) Work Division,
Khagaria.
4. The Block Development Officer, Alouli Block, District- Khagaria.
5. The Collector, Khagaria.

.... Respondents

=====

Appearance :

For the Petitioner/s : Mr. Chandan Kumar Kashyap, Advocate
Mr. Rakesh Shrivastava, Advocate
For the Respondent/s : Mr. Syed Hussain Majeed, AC to SC-6

=====

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL JUDGMENT

Date: 02-09-2016

Learned counsel for the petitioners is permitted to
implead the District Magistrate-cum-Collector, Khagaria as
respondent no.5 in course of the day.

Heard parties.

The grievance of the petitioners is that their purchased
land of Plot No.2124 appertaining to Khata No.715 and Plot No.2062
appertaining to Khata No. 764 have been utilized for construction of a
village road by the respondent no.3 without the consent of the
petitioners or acquisition in accordance with law.

Accordingly, I dispose of the writ application directing the District Magistrate-cum-Collector, Khagaria to examine the matter. If it is found that the petitioners' land have been utilized in construction of a road, then steps should be taken either to acquire the land in accordance with law or to remove the construction therefrom so that the same is bring to its original form and nature.

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

However, if a decision is taken to acquire the same, let the same be concluded and compensation in accordance with law be paid to the land owner within a period of four months.

However, if the District Magistrate finds that no portion or part of the land of the petitioner has been utilized then he would pass a speaking order and communicate the same to the petitioners within the aforesaid period of two months.

(Dr. Ravi Ranjan, J.)

V.K. Pandey/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	15.09.2016
Transmission Date	N.A.