

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6665 of 2016

=====

Satish Kumar, son of late Umesh Prasad Singh, resident of village- Laranpur, P.S. Ishlampur, District, Nalanda

.... Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary, Rural Development Department, Government of Bihar, Patna
3. The Deputy Secretary, Rural Development Department, Government of Bihar, Patna
4. The Chief Engineer, Rural Development Department, Government of Bihar, Patna
5. The Collector, Nalanda, District, Nalanda
6. Executive Engineer, Rural Engineering Work Department, Work Division- 1, Hilsa, District- Nalanda
7. The Sub-Divisional Officer, Hilsa, Nalanda
8. Circle Officer, Ishlampur, District- Nalanda
9. Officer-in-Charge, of Ishlampur Police Station, District, Nalanda
10. Shailendra Singh, son of not known to the petitioner, Contractor, resident of Mohalla, Indrapuri Road No.1, P.S. Patliputra, District, Patna

.... Respondents

=====

Appearance :

For the Petitioner : Mr. Rajeev Ranjan, Advocate
For the State : Mr. S.Raza Ahmad, AAG9,
Mr. Md. Anisul Haque, A.C. to A.A.G. 9

=====

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 12-04-2016

Heard learned counsel for the petitioner and the State.

The grievance of the petitioner is that though he is a khatiani raiyat of khesra no.2530, 1958, 1959, 1960, 1961, 1943 and 1963 of village Laranpur, P.S., Ishlampur, District, Nalanda has been registered in the record of right as agricultural land, however, a road is being constructed under Mukhayamantri Gramin Sadak Yojana from Sakari to village Nawabganj via Laranpur Pind Par.

It is contended on behalf of the petitioner that contractor of the said scheme started constructing road with the help anti-social element of Nawabganj village forcefully and illegally by digging and putting soil on the agricultural land of the petitioner as stated above damaging the crops etc.

By now it is well settled that land of a person cannot be utilized by the State Government or its instrumentalists or its agent without his consent or without its acquisition in accordance with law for any purpose.

In above view of the matter, this writ application is being disposed of granting liberty to the petitioner to approach the respondent no.5, the Collector-cum- the District Magistrate, Nalanda by filing a representation regarding his grievance along with copies of necessary document. On such representation being filed, let the District Magistrate examine it. If he comes to the conclusion that the petitioner's land is being utilized for construction of road without his consent then he would immediately stop the work and take steps for bringing the plots to its original form and nature and possession of the same should be delivered back to the petitioner. However, if it is required in public interest then it would be open for the State Government to take step for its acquisition in accordance with law.

It is expected that the entire exercise would be

completed within a period of three months from the date of receipt/production of a copy of this order. If the State Government decides to acquire the land then the same should be done within six months.

However, any type of construction or filling of soil etc. upon the plots in question should be stopped till a final decision is taken by the Collector.

(Dr. Ravi Ranjan, J)

Sanjay-II/-

U			
---	--	--	--