

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7552 of 2013

Uma Shankar S/O Late Ramanand Sharma R/O Village- Deora, P.S.-
Ghoshi, District- Jehanabad

.... Petitioner/s

Versus

1. The State Of Bihar
2. Principal Secretary, Rural Development Department (Rural Engineering Organization Panchayat Raj), Government of Bihar, Patna
3. The District Magistrate, Jehanabad.
4. The D.D.C., Jehanabad
5. The Sub-Divisional Magistrate, Jehanabad
6. The Block Development Officer Madanganj (Ghosi), District- Jehanabad
7. Ircon International Ltd., through its Manager Block Colony, Jehanabad

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Amarnath Singh, Adv
Mr. Ashok Kumar, Adv
Mr. Rajendra Prasad, Adv

For the Respondent/s : Mr. Mritunjay Kumar, A.C. to AAG-10

For the Respondent No. 7 (IRCON): Mr. Sunil Kumar, Adv

**CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL**

ORAL JUDGMENT

Date: 22-04-2016

Heard Mr. Amar Nath Singh, the counsel for the petitioner, Mr. Mritunajay Kumar, the counsel for the respondents and Mr. Sunil Kumar, the counsel for the respondent no. 7 (IRCON).

1. The petitioner seeks a direction upon the respondents-State to clear raiyati land of the petitioner situated in Village-Deore, P.S.-



Ghosi, District-Jehanabad which has been forcibly used by the respondents-State to construct the road under the *Pradhan Mantri Gramin Sadak Yojna* in the year 2007-08. The road is called Chaudharia-Govindpur to Sadikpur (Link Road). In course of submission, it is stated by Mr. Singh that now since the road has already been constructed, the petitioner would be entitled to payment of fair compensation of the land of the petitioner used by the respondents-State for construction of the said road.

2. The counsel for the petitioner referred to counter affidavit of the respondent-District Magistrate in order to demonstrate the land of the petitioner measuring an area of 20.16 decimals has been actually used by the respondents-State in the construction of the road by the executing Agency i.e. respondent no. 7. Annexure-A, of the said counter affidavit is the report of the Circle Officer, wherefrom it appears that in all 20.16 decimals of land of the petitioner appertaining to plot no. 1117, 1165, 1069, 1546 has been used for the construction of the road by the Agency. The reply of the In-charge Officer, District Law Department, Jehanabd is (Annexure-D). From these communications, it appears that the State is now required to take steps for acquisition of land under the said yojna and make available to the Agency for the road already laid thereover.

3. Mr. Singh draws attention of the Court to the statements made in the second supplementary affidavit, on perusal whereof, it appears that the District Magistrate after having communicated with the



officer of the department as well as the agency found substance in the case of the petitioner and noted for taking steps for acquisition of the land inasmuch the notice was also issued. The same was, however, not in relation to the entire land of the petitioner used in the construction of the road. It is also submitted that in laying of the road, the agency also demolished some structure of other raiyats, who knocked the doors of this Court and an order has been passed to consider their grievance in accordance with law.

4. The counsel for the respondents-State on the other hand submits that although a proceeding for acquisition of land was initiated in respect of other land of the petitioner, but later the same was withdrawn, as the respondents-State did not require the land of the petitioner for the project. He also submits that the agency or someone is required to approach the respondents-State with requisition which will ignite the process of acquisition and pay fair compensation to the aggrieved land owner.

5. I am unable to appreciate the said contention of the State. If it has been brought to the notice of the respondents-State that in laying of the road land of the petitioner has been used/utilized without his written consent and/or acquisition then it is the bounden duty of the State to initiate process of acquisition and pay adequate compensation. The court also finds from the record that the scheme envisages, situation where land of the raiyat may be utilized or acquired for construction of the road on the alignment provided.

The District Magistrate made diverse queries in this regard as is evident from the counter affidavit filed on his behalf. Having done so, it was crystallized that the land of the petitioner has been used in construction of the road and the petitioner is not raising any grievance thereagainst, but claiming only payment of acquisition thereof. It is deemed just and proper on the part of the respondents-State to complete the said exercise and enable the petitioner to get the fair compensation of his land used in the construction of the road.

6. In that circumstances, I direct the respondents-State particularly the District Magistrate to take steps for acquiring the land of the petitioner as set out in the report of the Circle Officer and complete the process as quickly as possible enabling the petitioner to get the fair compensation of the land in accordance with law. An endeavour should be made to complete the process of acquisition within (05) months. The department under which the road was constructed or the agency shall render all assistance to the District Magistrate in completing the exercise as directed herein above.

(Kishore Kumar Mandal, J)

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