

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.644 of 2016

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Baidh Nath Shukla Son of Braj Raj Shukla Resident of Village-Amwa Rwas, P.s
Bhore, District Gopalganj.

.... Petitioner

Versus

1. The State of Bihar
2. District Magistrate, Gopalganj.
3. B.D.Q. Bhore , District Gopalganj.
4. C.O. Anchal Bhore, District Gopalganj.

.... Respondents

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Appearance :

For the Petitioner : Mr. Gauri Shankar Thakur, Advocate
For the State : Dr. Raj Kumar Singh, AC to SC 8

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 30-03-2016

Heard learned counsel for the petitioner and the State.

The grievance of the petitioner is that a road has been constructed upon part of his plot no. 145 as would be evident from Annexure 2 which is report of Anchal Amin showing that ten kari land of the petitioner has been utilized by construction of flank of the road by brick soaling.

Accordingly, this writ application is being disposed of with a liberty to the petitioner to approach District Magistrate, Gopalganj by filing a representation along with copy of this order and the copies of the documents in support thereof. On such representation being filed, let the District Magistrate concerned examine the matter. If he comes to the conclusion that plot no. 145



belongs to the petitioner and part of it being utilized for the construction of road or its flank in any manner then, since it is well settled that such construction cannot be made without acquiring the land of the petitioner in accordance with law or upon the consent of the petitioner, State would either have to acquire it after payment of compensation to the petitioner or the construction from the part of the plot no. 145 would have to be removed so that the land is brought to its original form and nature and possession thereof would be required to be delivered back to the petitioner. However, if the District Magistrate would be of the opinion that the land concerned does not belong to the petitioner as is a Government land or public land then a reasoned order would be required to be passed by him. It is expected that a decision in this regard would be taken within three months from the date of receipt / production of a copy of this order. It is further made clear that if it is found that the part of plot of the petitioner is required for construction of flank or road and the State Government is keen to acquire it for public purpose then the land acquisition proceeding can be initiated and concluded within further period of six months. However, in case the State authorities do not intend to acquire it then construction from the part of plot no. 145 should be removed and the land should be brought to its original nature and form and possession should be delivered back to the

petitioner within a period of further two months from the date of taking such decision.

This disposes of the writ application.

(Dr. Ravi Ranjan, J)

Spd/-

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