

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19188 of 2015

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Daya Shankar Prasad Thakur, son of Late Kameshwar Narayan Thakur, Resident of Village- Simra, P.s. Piyar, District- Muzaffarpur, Bihar.

.... Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary, Rural Development Department, Government of Bihar, Patna.
3. The Principal Secretary, Revenue & Land Reforms Department, Government of Bihar, Patna.
4. The Director, Land Acquisition Department, Government of Bihar, Patna.
5. The Collector, Muzaffarpur.
6. The Additional Collector, Muzaffarpur.
7. The District Land Acquisition Officer, Muzaffarpur.
8. The Circle Officer, Bandara, Muzaffarpur.

.... Respondents

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Appearance :

For the Petitioner : Mr. Kumar Kaushik, Advocate
For the State : None

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL JUDGMENT
Date: 22-07-2016

Heard learned counsel for the petitioner. No one appears on behalf of the State.

Though this case was filed on 15.12.2015 and copy of the writ petition was served on the State on 28.11.2015, no counter affidavit has been filed.

Grievance of the petitioner is that his purchased land of khesra no.2358 appertaining to khata no.822 and chak no.1339 measuring an area of 16 decimals has been utilized for construction

of a road under the Pradhan Mantri Gram Sadak Yojna without his consent or without any compensation given to him or his vendor. A copy of the sale deed has been appended as Annexure 1.

It is contended that he has approached the District Magistrate also by filing a representation contained in Annexure 2 but no heed has been paid. It is pointed out by learned counsel that a Single Judge Bench of this Court vide order dated 20.06.2013 passed in C.W.J.C. No.8319 of 2013, as contained in Annexure 3, has noticed a letter issued by the Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna. It is contended that in the letter direction has been given to all the District Magistrates of the districts and all the Chief Executive Officers of all Zila Parishads not to utilize any private land without consent of the parties for construction of the road etc. The aforesaid letter was treated to be direction of this Court and consequence of violation was treated to be contempt of this Court.

In above view of the matter, the respondent no.5, the Collector, Muzaffarpur is directed to examine the claim of the petitioner treating a copy of this writ petition and all the Annexure, which would be provided to him at the time of filing a copy of this order, to be his representation and take a decision as to whether any road has been constructed on his purchased land or not. If he comes

to the conclusion that there is construction of such road then he will take action either for removal of the structure and bringing the land to original form and nature and hand over the possession of the same to the petitioner or initiate a proceeding for acquisition of the same in accordance with law and grant compensation to the petitioner. However, if the petitioner's claim is not found tenable for any reason then a reasoned and speaking order would be required to be passed and communicated to the petitioner. The whole exercise would be completed within a period of three months from the date of receipt/production of a copy of this order. However, if the State requires the land in public interest then the same should be done within a period of six months within which compensation should be granted to the petitioner.

The writ application stands disposed of with the aforesaid observations and directions.

(Dr. Ravi Ranjan, J)

Sanjay-II/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05.09.2016
Transmission Date	NA