

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1759 of 2016

- =====
1. Rajendra Singh @ Rajendra Prasad Singh son of Late Mishri Singh null
 2. Umesh Singh son of Late Dasrath Singh
 3. Bidya Singh @ Bidya Bhushan Pd. Singh son of Late Ram Sanehi Singh
 4. Arjun Singh son of Late Chaturbhuj Singh
 5. Bhagwan Singh son of Late Banbari Singh
 6. Rajendra Singh son of Late Banbari Singh
 7. Ramashray Singh son of Late Dasrath Singh
 8. Gorelal Singh son of Late Brahamdev Singh
 9. Parmanand Singh son of Late Gobardhan Singh
 10. Saket Singh son of Late Geeta Singh
 11. Kailash Singh son of Late Basudev Singh
- All the resident of Village Pali, P.S. Kashichak District Nawada.

.... Petitioners

Versus

1. The State of Bihar through the Principal Secretary Department of Rural Works, Govt. of Bihar, Patna.
2. The Chief Engineer, Department of Rural Works, Govt. of Bihar, Patna.
3. The Executive Engineer, Works Division, Department of Rural Works Nawada District Nawada
4. The Collector, Nawada.
5. The Sub-Divisional Officer, Nawada.
6. The Circle Officer, Kashichak, Dist- Nawada,
7. The Principal Secretary, Rural Works Department, Government of Bihar, Patna,

.... Respondents

=====

Appearance :

For the Petitioners : M/s Siya Ram Shahi and
Rajesh Ranjan Kumar, Advocates

For the State : Mr. M.K. Pathak- SC 7

=====

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

2 11-03-2016 As prayed, the petitioners are permitted to implead the Principal Secretary, Rural Works Department, Government of Bihar, Patna, as respondent no. 7 in this application in course of the day.

Heard the parties.

By now, it is well settled that the land of a private person can only be utilized by the State Government or its instrumentality either after acquisition in accordance with law after granting appropriate compensation or on his/her consent.

In above view of the matter, this writ application is being disposed of with a liberty to the petitioners to approach the Collector, Nawada (respondent no. 4) by filing a representation appending therewith the copies of the documents in support thereof along with a copy of this order. On such representation having been filed, let the Collector, Nawada (respondent no. 4) examine as to whether the road has been constructed or is being constructed on the land of the petitioners or not. If he finds that the construction is being made upon the land of the petitioners then he should immediately stop the same as that can only be done after its acquisition in accordance with law. Thereafter, the matter should be referred to the Principal Secretary, Rural Works Department, Government of Bihar, Patna, i.e., respondent no. 7, who will act in accordance and the guidelines issued by the State Government in this regard. He would either proceed to acquire the land in accordance with law or stop the construction of the road through the land of the petitioners. If some construction has already been made then that should be removed and the land should be brought

to its original nature and the same should be handed over to the petitioners in case it is not intended to be acquired. However, if the Collector (respondent no. 4) finds that no part of the land of the petitioners has been utilized for the construction of the road then he should pass a reasoned order a copy which should immediately be communicated to them.

It is expected that the entire exercise should be completed within a period of three months from the date of filing of such representation by the petitioners. If the State Government decides to acquire the concerned land then such proceeding should be initiated and concluded expeditiously in accordance with law.

(Dr. Ravi Ranjan, J)

SC/-

U			
---	--	--	--