

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2126 of 2016

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Mukesh Sharma Son of Late Krishnadeo Sharma resident of village - Wallipur, P.S.
Piparia, District - Lakhisarai

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Gramin Work Department, Patna
2. The District Magistrate, Lakhisarai
3. The Sub Divisional Officer, Lakhisarai
4. The Circle Officer, Piparia, Lakhisarai
5. The Superintending Engineer, Gramin Work Department, Munger
6. The Executive Engineer, Gramin Work Department, Lakhisarai

.... Respondents

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Appearance :

For the Petitioner : M/s Mukesh Kumar
And Vijay Kumar Pandey, Advocates
For the State : Mr. Gyan Shankar, AC to GP 6

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 09-03-2016

Heard the parties.

Petitioner's apprehension is that a road is going to be constructed on his Khatiani land on Khesra No. 3582 appertaining to Khat No. 860, Mauza Wallipur, District Lakhisarai, of an area of 24 decimals without its acquisition in accordance with law or without consent of the petitioner.

It is well settled that private land of a person cannot be utilized by the State Government or its instrumentality either without his/her consent or its acquisition in accordance with law after payment of compensation.

Accordingly, this writ application is being disposed of with a liberty to the petitioner to approach the District Magistrate, Lakhisarai by filing a representation setting out his claim and appending therewith the documents in support thereof along with a copy of this order and, thereafter, the District Magistrate(respondent no. 2) will take a decision upon the petitioner's representation on its own merit and in accordance with law within a period of eight weeks from the date of filing of such representation. It is made clear that if he comes to the conclusion that the petitioner's land is being utilized or is to be utilized for construction of road under Mukhya Mantri Gram Sampark Yojna or any other scheme then the same can only be done on his consent or on acquisition of such land on payment of compensation otherwise no construction can be made. If the District Magistrate finds that the land does not belong to the petitioner then a detailed and reasoned order would be required to be passed by him a copy of which should immediately be served upon the petitioner.

(Dr. Ravi Ranjan, J)

SC/-

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