

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.592 of 2016

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Jug Paltan Singh @ Paltan Singh Son of Late Ram Pyare Singh, Resident of
Village - Hari Chhapra, Police Station - Dumra, District - Sitamarhi.

.... Petitioner

Versus

1. The State of Bihar through the Secretary, Home Department Govt. of Bihar, Patna.
2. The District Magistrate, District - Sitamarhi.
3. The Superintendent of Police, District - Sitamarhi.
4. The Sub - Divisional Officer, Sub - Division Sitamarhi Sadar, District - Sitamarhi.
5. The District Panchayat Raj Officer, District - Sitamarhi.
6. The Block Development Officer, Dumra, District - Sitamarhi.
7. The Circle Officer, Dumra, District - Sitamarhi.
8. The Mukhiya Gram Panchayat Hari Chhapra, Police Station - Dumra, District - Sitamarhi.
9. Fekan Singh, Son of Ram Swarath Singh,
10. Fakira Singh, Son of Chulhai Singh,
11. Naga Singh Son of Late Ram Chandra Singh,
12. Ram Bhorosh Singh, Son of Late Ram Briksha Singh,
13. Ram Prasad Singh, Son of Late Raj Nandan Singh,
14. Laxman Singh, Son of Late Nathuni Singh,
15. Ram Lalit Singh, Son of Fakira Singh,
16. Sunil Singh, Son of Late Ram Swarath Singh,
17. Sita Saran Singh, Son of Ram Bharosh Singh,
18. Ranjan Singh, Son of Thaga Singh,
19. Sivam Kumar @ Siya Bihari Singh, Son of Thaga Singh,
20. Awadh Kumar, Son of Thaga Singh,
21. Devendra Singh Son of Naga Singh,
22. Shyam Kumar, Son of Naga Singh,
23. Bharat Singh, Son of Fekan Singh,
24. Ram Narayan Singh, Son of Fekan Singh,
25. Ajay Kumar, Son of Fekan Singh,
26. Indal Singh, Son of Laxman Singh,
27. Shiv Balak Singh, Son of Laxman Singh,
28. Sikandra Singh, Son of Laxman Singh,
29. Uday Kumar, Son of Fakira Singh, All 9 to 29 are resident of village - Hari Chhapra, Police Station - Dumra, District - Sitamarhi.

.... Respondents

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Appearance :

For the Petitioner : Mr. Anil Kumar, Advocate
For the State : Mr. Manish Kumar, AC to SC 6

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL JUDGMENT
Date: 26-02-2016

Heard learned counsel for the petitioner and the State.

The grievance of the petitioner is that upon the khatiyani lands of the petitioner of plot nos. 2673 and 2674 appertaining to khata no. 524 and plot no. 2699 appertaining to khata no. 497 altogether an area of 11 decimals and of plot nos. 500, 2321 and 2328 appertaining to khata nos. 525, 524 and 439 respectively of village Hari Chhapra, Police Station Dumra, District Sitamarhi are being utilized for construction of a road on the recommendation of Mukhia of Gram Panchayat Hari Chhapra in connivance with the villagers who have been impleaded as respondent nos. 8 to 29.

It is well settled that a land of a person cannot be utilized by the State Authority without its acquisition in accordance with law unless consent of the land owner has been taken.

A reference in this regard is made to a decision of this Court rendered in **Sri Prabhu Nath Singh vs. The State of Bihar [2013(4) PLJR 122]** .

Having regards to the facts and circumstances of the case, the same is being disposed of with a liberty granted to the



petitioner to approach the respondent no. 2, the District Magistrate, Sitamarhi, by filing a representation along with copies of the documents in support of his claim. In such case, let the District Magistrate, Madhubani examine it and take a decision in accordance with law as to whether the land of the petitioner has been or is being utilized for construction of the road concerned or not. If it is found that the petitioner's land has been or being utilized for construction of road without his consent then that should be stopped immediately. Construction made, if any, should be removed forthwith so that the land could be brought to its original nature and form and possession should be delivered back to the petitioner. If the land is required to be used as such in public interest then a decision would have to be taken to initiate a proceeding for acquisition of the land in accordance with law. If claim of the petitioner does not find favour of the District Magistrate then a reasoned and speaking order would be required to be passed and the same should immediately be communicated to the petitioner. It is expected that a decision would be taken within the period of three months from the date of filing of representation along with a copy of this order by the petitioner before the District Magistrate concerned.

In case the State authorities decide to acquire the

land in accordance with law then they would require to take necessary steps and should conclude the proceeding within a period of six months.

(Dr. Ravi Ranjan, J)

Spd/-

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