

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16202 of 2015

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Hare Krishna Prasad Singh, Son of Late Basant Singh, resident of village - Bajra,
P.O. + Police Station Hasua in the District of Nawada

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna
2. The Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna
3. The Secretary, Rural Works Department, Government of Bihar, Patna
4. The District Magistrate - Cum - Collector, Nawada
5. The Sub - Divisional Magistrate, Nawada
6. The Circle officer, Hasua in the district of Nawada

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Advocate

For the Respondent/s : Mr. Kamlesh Kumar, AC to SC-12

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 02-09-2016

Heard parties.

The grievance of the petitioner is that his one decimal of land of Plot Nos.2388 and 2409 appertaining to Khata No.118 of Mauza-Bajra in the district of Nawada has been utilized by the State authorities for construction of 'Aam Rasta' by filling soil and, thereafter, brick-soling.

Counter affidavit has been filed on behalf of respondent nos. 3 to 5 taking a stand that the construction has been done from the M.P. fund by the Local Engineering Organization Division, Nawada.

It is well settled that *raiyaati* or private land cannot be

utilized by the State Government without its acquisition and after granting compensation to the owner/title holder in accordance with law or the consent of the concerned owner.

Accordingly, I dispose of the writ application directing the District Magistrate, Nawada to make an enquiry in this regard. If it is found that the petitioner's land has been utilized then steps should be taken either to acquire the land or to remove the construction therefrom so that the same is bring to its original form and nature.

It is expected that the entire 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 District Magistrate finds that no portion or part of the land of the petitioner has been utilized then he would pass a reasoned order and communicate the same to the petitioner immediately.

(Dr. Ravi Ranjan, J)

V.K. Pandey/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	
Transmission Date	N.A.