

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4150 of 2017

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1. Maya Devi, wife of Late Surendra Prasad Singh @ Surendra Mohan Singh Suryavanshi,
2. Shailendra Mohan Singh, son of Late Maheshwar Prasad Singh,
3. Dhamendra Sinha @ Dharmendra Kumar Singh, son of Late Maheshwar Prasad Singh, All resident of Village- Biraul, P.S.- Biraul, District-Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Road Construction Department, Government of Bihar, Patna.
3. The Managing Directro, Bihar, Rajya Pul Nirman Nigam Limited, Patna.
4. The Collector, Darbhnga.
5. The Additional Collector-cum-Administrator, Darbhanga.
6. The District Land Acquisition Officer, Darbhanga.
7. The Sub Divisional Officer, Biraul, Darbhanga.
8. The Senior Project Engineer, Bihar Rajya Pul Nirman Nigam Limited, Camp Baluaha Ghat, Koshi Pul Baluaha, Saharsa.
9. The Senior Design Engineer, Bihar Rajya Pul Nirman Nigam Limited, Camp Baluaha Ghat, Koshi Pul Baluaha, Saharsa.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jagannath Singh
For the Respondent/s : Mr. Mahendra Prasad Verma
For B.S.Bridge Construction Mr.Rabindra Kumar Priyadarshi

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

2 06-09-2017

Heard the parties.

The lands of petitioners were taken in possession by the State authority for construction of road and bridge but the aforesaid possession was taken without initiation of any legal acquisition proceeding. However, the lands of several other persons were also taken in possession by the concerned



authorities in the same manner and, thereafter, some persons filed CWJC No. 8310 of 2015 which was disposed of by a co-ordinate Bench of this Court vide order dated 08.06.2015 directing the District Magistrate, Darbhanga to dispose of the representation of the petitioners of the aforesaid writ petition and also observed that if the acquisition proceeding is not completed nor compensation is paid to the petitioners of the aforesaid writ petition, the road laid over their lands shall be removed.

However, Annexure 3 to 6 of the petition goes to show that the state has initiated acquisition proceeding under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and the aforesaid proceeding is still under process.

The grievance of the petitioners is that they have been deprived of possession of their lands since long and up till now compensation has not been paid to them.

In view of the aforesaid fact and circumstances as well as specific pleadings of the State in its counter affidavit, this writ petition stands disposed of giving direction to the concerned authorities to expedite the acquisition proceeding and make payment to the petitioners in accordance 2013 Act and if it is found that petitioners were dispossessed from their lands prior to



initiation of acquisition proceeding, the concerned authorities shall take note of aforesaid fact at the time of determination of compensation amount of the petitioners.

(Hemant Kumar Srivastava, J)

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