

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17910 of 2016

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Smt. Vibha Sharma, wife of Late Mayank Sharma, Resident of Village -
Jitwarpur, P.S. - Samastipur Muffasil, District - Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Land Reform Department, Govt. of Bihar, Patna.
2. The District Magistrate, Samastipur.
3. The Sub-Divisional Officer, Samastipur.
4. The Circle Officer, Samastipur.
5. The Principal Secretary, Road Construction Department, Govt. of Bihar, Patna.
6. The Executive Engineer, Road Construction Department, Samastipur Division, Samastipur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jay Prakash Sharma, Adv.
For the Respondent/s : Mr. Sajid Salim Khan- SC-25

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 04-07-2017 Heard learned Counsel appearing on behalf of the petitioner and learned AC to SC-25 for the respondent State.

The present writ application has been filed for a direction to the respondent authorities to not construct the PCC road over the raiyatee land of the petitioner, pertaining to Khata No.273, Thana No.203, Plot Nos. 179, 198, 200, 201 and 202, measuring an area of 10 katha, 16 dhur and 3 kanma, though the description of the land in paragraph 1(i) of the petition has



wrongly been given, but the same has been corrected through the supplementary affidavit. Further prayer has been made to direct the respondent authority to get the measurement and demarcation done through Amin in presence of the petitioner.

A counter affidavit has been filed on behalf of Respondent Nos. 5 and 6, wherein, a statement has been made in paragraph 10 that from perusal of the report of Amin, as contained in Annexure-C, it appears that 26 ½ decimal of land of the petitioner has been used while widening road from Magardahi Ghat to Chandni Chowk by-pass, as such Respondent No..6, the Executive Engineer, Road Construction Department requested the District Land Acquisition Officer, Samastipur through letter no. 1293, dated 08/12/2016 to initiate process to acquire the land in question and submit requisition of compensation, payable to the petitioner. The said letter has been brought on record as Annexure –D to the counter affidavit. Paragraph 10 to the counter affidavit reads as under :-

“That from perusal of report at Annexure-C, it appears that 26 ½ decimal of land of petitioner have been used while widening road from Magardahi Ghat to Chandni Chock by-pass as such under letter no.1293 dated 08/12/2016 respondent no.6 wrote letter to the District Land Acquisition Officer, Samastipur, to initiate steps to acquire the land in question and submit



requisition of compensation, payable to the petitioner.”

Learned Counsel for the petitioner submits that the petitioner is ready to accept the proposal of Respondent No.6, the Executive Engineer, Road Construction Department, as contained in Annexure-B to the counter affidavit, but the only apprehension of the petitioner is that the land acquisition proceeding will take a long time.

However, the counsel for the respondent State submits that the land acquisition proceeding will be initiated and concluded within a fixed time frame.

In the circumstances, the writ application is disposed of.

It is expected from the District Land Acquisition Officer, Samastipur, to initiate a land acquisition proceeding, if it has not already been initiated within a period of four weeks and to submit the requisition for compensation, to respondent no.6, the Executive Engineer, Road Construction Department, Samastipur Division, within a period of three months of initiation of the proceeding. It is expected from respondent no.6, the Executive Engineer, Road Construction Department, Samastipur Division, to make the payment of compensation to the petitioner, within a



period of six weeks of receiving the requisition with regard to
claim of compensation to the appropriate proceeding.

(Dinesh Kumar Singh, J)

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