

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25771 of 2013

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Mr. Rajesh Singh @ Rajesh Kumar Singh, S/O Late Ram Kumar Singh,
R/O Village Maniyarpur, P.S. Bidupur, District Vaishali (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar.
2. District Magistrate, Vaishali.
3. Sub-Divisional Magistrate, Vaishali.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arbind Kumar Jha, Adv.
For the State : AC to SC21

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 03-07-2017 Heard learned counsel appearing on behalf of the
petitioner and learned AC to SC-21 for the respondent State.

The present writ application has been filed for a direction to the respondent authorities to get the encroachment removed from the raiyatee land of petitioner pertaining to Khata Nos.191, 192, Plot Nos.672, 591 and Ravka No.24D,10D, situated in the Village- Maniyarpur, in the District of Vaishali, upon which a public road has been constructed. In alternative, prayer has been made to make payment of compensation to the petitioner on proper acquisition of the land in question.

It is submitted by learned counsel for the petitioner that the above mentioned raiyati land of the petitioner is adjacent



to Hajipur Mahnar Road, but on 15 feet land of the petitioner, the road has been constructed. The total area of land of the petitioner on which the road has been constructed is 34 decimals. Initially, in the year 1994-95 when the road construction started on land, the father of the petitioner, filed Title Suit No.144/95, wherein, notices were issued to the State of Bihar vide order dated 30/08/1995. On 06/09/1995, the State of Bihar appeared and prayed for 15 days adjournment. Subsequently, on an application preferred by the father of the petitioner, Advocate Commissioner was appointed and in presence of both the parties spot inspection was made on 20/09/1995 and a report was submitted on 25/09/1995 to the effect that on 34 decimals of land of the petitioner, the road has been constructed. In spite of the report of the Advocate Commissioner, the construction work was not stopped, hence, the petitioner's father filed Misc. Case No. 26/1995 on 25/09/1995, wherein, notices were issued to the State of Bihar. The State of Bihar appeared on 27/09/1995 and prayed for adjournment. It is further submitted that after death of father of the petitioner and his lawyer in the year 2011, the petitioner filed Land Acquisition Claim Case No.23 of 2012, before Respondent No.2, the District Magistrate, Vaishali, claiming compensation for construction of road over 34 decimals of the land of the petitioner.



Learned counsel for the petitioner further submits that, at present, the petitioner confines his prayer only for disposal of the Land Acquisition Claim Case No.23 of 2012.

Learned counsel appearing on behalf of the respondent State submits that Land Acquisition Claim Case No.23 of 2012, will be disposed of within a period of three months.

It is expected from Respondent No.2, the District Magistrate, Vaishali, or the District Land Acquisition Officer, Vaishali to dispose of Land Acquisition Claim Case No.23 of 2012, within a period of three months, in accordance with law.

Accordingly, the writ application is disposed of.

(Dinesh Kumar Singh, J)

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