

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19154 of 2014

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Achhaibar Singh s/o Late Ram Janam Singh, Resident of Village- Akhalashpur,
P.O.+P.S.- Bhabhua, Dist- Kaimur (Bhabhua). At present residing at Mohalla-
Amba Bihar Colony, Ambedkar Path, P.S.- Rupaspur, Dist- Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. The Collector, Kaimur at Bhabhua
3. The Executive Engineer, Road Construction Department, Path Pramandal
Bhabhua Dist- Kaimur
4. The Anchal Adhikari Bhabhua, Kaimur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kr. Sinha, Sr. Adv.

For the Respondent/s : Mr. Vinod Kr. Yadav, SC-18

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 12-09-2017

Heard learned counsel for the petitioner and counsel for the
State.

As per claim of the petitioner, he is owner of the land
appertaining to R.S. Khata No. 742, R.S. Plot No. 2827 measuring 1.16
acres of land has been utilized without consent for acquisition for
construction of the road.

Admittedly, the land has not been acquired but, the State has
utilized the land for the aforesaid purpose. When the petitioner approached
to the competent authority, the Executive Engineer has found that the
petitioner's land has been illegally utilized for construction of the road, has
written a letter to the Collector vide letter no. 166 dated 3.2.2015 giving
details of the fact and requested for giving direction to the Land Acquisition
Officer to start proceeding for acquisition of the land. The Collector, vide



letter dated 24.2.2015, written a letter to the Executive Engineer intimating the rate of the land according to its nature but, the fact remains that the petitioner has not been paid any compensation amount for the land which has been utilized for construction of the road.

The right to property is a constitutional right as provided under Section 300A of the Constitution of India, a person cannot be deprived of his/her land without making proper compensation. In that view of the matter, this Court directs the Collector, Kaimur at Bhabhua to take steps for acquisition of the land having been informed by the Executive Engineer that the land has been utilized for construction of the road. The entire process of acquisition under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 must be completed expeditiously preferably within a period of six months from the date of receipt/production of a copy of this order.

With the aforementioned observation and direction, this application is disposed of.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.09.2017
Transmission Date	NA

