

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No. 22121 of 2013**

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1. Krishna Sharma Son of Late Basudeo Sharma, Resident of Village- Prijpura, P.S.- Sakurabad, District- Jehanabad.
  2. Jaimini @ Jaimani Sharma Wife Krishna Sharma Resident of Village- Prijpura, P.S.- Sakurabad, District- Jehanabad.
  3. Baliram Singh, Son of Late Mathura Singh Resident of Village- Prijpura, P.S.- Sakurabad, District- Jehanabad.
  4. Lal Narayan Sharma Son of Late Yadunandan Sharma Resident of Village- Prijpura, P.S.- Sakurabad, District- Jehanabad.
  5. Shankar Singh Son of Late Sheo Saran Singh Resident of Village- Prijpura, P.S.- Sakurabad, District- Jehanabad.
  6. Suresh Sharma Son of Late Ganga Singh Resident of Village- Prijpura, P.S.- Sakurabad, District- Jehanabad.
  7. Wakil Choudhary Son of Late Muni Choudhary Resident of Village- Mathia, P.S.- Sakurabad, District- Jehanabad.
  8. Ram Lakhana Pandit Son of Late Sheo Tahal Pandit Resident of Village- Mathia, P.S.- Sakurabad, District- Jehanabad.
  9. Kishore Choudhary Son of Late Ram Sewak Choudhary Resident of Village- Mathia, P.S.- Sakurabad, District- Jehanabad.
  10. Jai Ram Yadav Son of Late Dil Kehswar Yadav Resident of Village- Mathia, P.S.- Sakurabad, District- Jehanabad.
  11. Dilip Kumar Son of Vijay Singh Resident of Village- Salempur, P.S.- Sakurabad, District- Jehanabad.
  12. Birendra Sharma Son of Late Bigul Singh Resident of Village- Salempur, P.S.- Sakurabad, District- Jehanabad.
  13. Chitranjan Kumar Son of Rama Kant Sharma Resident of Village- Salempur, P.S.- Sakurabad, District- Jehanabad.
  14. Rama Nand Sharma @ Rma Nand Singh Son of Ram Deo Singh Resident of Village- Salempur, P.S.- Sakurabad, District- Jehanabad.

.... .... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Rural Works Department, Bihar, Patna.
3. The Superintending Engineer, Rural Works Department, Gaya.
4. The Executive Engineer, Rural Works Department, Work Division, Jehanabad, District- Jehanabad.
5. The District Magistrate, District- Jehanabad.
6. The Circle Officer, Ratni-Farid Block, Ratni Faridpur, District- Jehanabad.

.... .... Respondent/s

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**Appearance :**

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|----------------------|---|---------------------------------|
| For the Petitioner/s | : | Mr. Madan Jeet Kumar, Advocate  |
| For the State        | : | Mr. Kinkar Kumar, S.C. 9        |
|                      |   | Mr. Zaki Haider, A.C. to S.C. 9 |

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH**  
**ORAL JUDGMENT**

**Date: 16-01-2017**

Heard learned counsel for the parties.



The petitioners have moved the Court being aggrieved by the construction of road on their private lands.

In view of the actual measurement having been done on 13.12.2016, the stand of the State is that land of only 8 petitioners has been or is needed for construction of the road in question and with regard to which, for acquisition by perpetual lease compensation amount of a little over Rs. 8,00,000/- has been estimated. The stand is that either the State would take action for perpetual lease or the land would be released from such construction. Learned counsel for the State submitted that for the said purpose at least one month time would be required.

Learned counsel for the petitioners submitted that the measurement was not done in their presence and, thus, the same is not reliable.

Learned counsel for the intervenors, who are local villagers, submitted that the measurement was done after due notice and that they were witness to it. He submitted that the villagers in general are in favour of the action of the State.

Having considered the rival contentions, in the considered opinion of the Court, no further interference is required, as pursuant to the measurement, the authorities have also taken a stand that either the land shall be acquired or taken on perpetual lease or in the alternative even returned to the petitioners. It has further



been submitted that within a period of one month, final decision shall be taken.

With regard to whether the land was actually measured, this Court in the present jurisdiction cannot go into that aspect for which the petitioners have to go before the appropriate forum.

However, on the basis of materials on record and averments of learned counsel for the parties, the writ petition stands disposed off with a direction to the respondents to take final decision with regard to what they propose to do with regard to the lands which, after measurement, have been found to belong to 8 petitioners. Such decision be taken within two months from today. If the authorities decide to take the land on perpetual lease, the amount of compensation required to be paid shall be paid within the next four weeks to the concerned parties.

This shall not preclude the petitioners from moving the appropriate forum, either with regard to the amount of compensation or with regard to the veracity of the measurement done.

**(Ahsanuddin Amanullah, J.)**

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