

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5981 of 2015

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Ram Chandra Prasad son of Late Pairoo Mahto, resident of mohalla Bari Pahari,
P.O. Sohsarai, P.S. Laheri, District Nalanda at Biharsharif

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Revenue Department,
Government of Bihar, Patna
2. Collector, Nalanda at Biharsharif
3. District Land Acquisition Officer, Biharsharif, Nalanda
4. Municipal Commissioner, Biharsharif Municipal Corporation, Nalanda
5. Mayor, Biharsharif Municipal Corporation, Nalanda

.... Respondent/s

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Appearance :

For the Petitioner/s	:	M/s S.N.P.Singh and Surendra Prasad Singh, Advocates
For the State	:	Mr. Alok Ranjan, AC to GA 6
For the Respondent Nos. 4 and 5	:	Mr. Gyan Prakash Ojha, Advocate

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 13-01-2017

Heard parties.

It is contended on behalf of the petitioner that the petitioner's father, after settlement from 'Amama Raj' in the year 1950 through "*Sada Patta*", as contained in Annexure 1, came in possession of the plot no. 571 of an area of 59 decimals and started paying rent to the erstwhile landlord. After vesting during "*Bhujarat*" also possession of his father was found which would be apparent from Annexure 4. It is claimed by the petitioner that jamabandi was created in the name of the father of the petitioner by the State of Bihar



and, thereafter, his father and thereafter the petitioner are continuously paying rent to the State. However, it is claimed that now the Municipal Corporation is going to construct a road by utilizing the aforesaid plot also without its acquisition in accordance with law and payment of any compensation to the petitioner.

Accordingly, this writ application is being disposed of with a liberty to the petitioner to approach the respondent no. 4, the Municipal Commissioner, Biharsharif, by filing a representation along with the documents in support of his claim. On such representation being filed, let the same be considered and a decision be taken in accordance with law.

If the petitioner's claim is found to be correct then no road can be constructed passing through the aforesaid plot till its acquisition in accordance with law and compensation is paid.

However, if the petitioner's claim is not found tenable then a reasoned order would be required to be passed and communicated to the petitioner expeditiously.

It is expected that the entire exercise should be completed within a period of two months from the date of receipt / production of a copy of this order.

However, if a decision is taken to acquire the land in question, let the same be concluded and compensation in accordance



with law be paid to the petitioner within a period of four months, thereafter.

(Dr. Ravi Ranjan, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.01.2017
Transmission Date	NA

