

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.917 of 2017

In

Civil Writ Jurisdiction Case No.4427 of 2014

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1. Barun Kumar Puri son of Late Annapuran Devi and Late Purnannd Puri
 2. Vijaya Laxmi Puri Wife of Late Arun Kumar Puri (Daughter-in-law of Late Annapurna Devi)
 3. Mrs. Usha Puri wife of Barun Kumar Puri (Daughter-in-law of Late Annapurna Devi)
 4. Rishi Raj Puri son of Late Arun Kumar Puri (Grandson of Late Annapurna Devi)
 5. Chaitanya Puri Mahant son of Late Arun Kumar Puri (Grandson of Late Annapurna Devi)
 6. Kartik Kumar Puri Mahant son of Late Arun Kumar Puri (Grandson of Late Annapurna Devi)
 7. Mrs. Apurva Puri D/o Barun Kumar Puri (Grand Daughter of Late Annapurna Devi) All residents of Mohalla - Mehdiganj, P.S. - Mehdiganj (Old Khajekalan), Patna City, Patna - 800008, At present Puri Niwas Rd. No. 6/c, Rajendra Nagar, P.S. - Kadamkuan, Dist - Patna - 800016.

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Govt. of Bihar, Patna.
2. The Additional Secretary Department of Revenue and Land Reforms, Govt. of Bihar, Patna.
3. The Principal Secretary, Department of Rural Development Department, Bihar Vishweshwaraiya Bhawan, Patna.
4. The Commissioner, Patna.
5. The Land Acquisition Officer, Bihar, Patna.
6. The District Magistrate, Patna.
7. The Deputy Collector Land Reforms, Patna Sadar, Patna.
8. The S.D.O. Patna Sadar, Patna.
9. The Circle Officer, Sampatchak Circle, Sona Gopalpur, Dist - Patna.
10. The Chief Engineer, Rural Development Department, Government of Bihar, Patna.
11. The Executive Engineer, Rural Development Department, Government of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Kulanand Jha
For the Respondent/s : Mr. Md.Khurshid Alam-Aag12

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD



ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 09-04-2018 Having heard the learned counsel for the parties and keeping in view the facts and circumstances of the case, the alternative claim made by the petitioner and the finding recorded by the learned Writ Court in the impugned order dated 4.2.2017, the position is admitted to the extent that in the private land belonging to the original claimant namely, Smt. Anpurna Devi, about 17600 sq. ft. has been used for construction on road through the land in question under the Prime Minister Gram Sadak Yojana. Even if the petitioners' prayer for removal of road and restoring of land to her cannot be permitted, the admitted position with regard to the land of the petitioner being used for construction of road being apparent from the material available on record, prayer for granting compensation for the same i.e. land acquisition cannot be rejected. To that effect, the learned Writ Court in rejecting the prayer, in our considered view, has committed an error as it is an admitted position that the petitioner is entitled to compensation for the land taken over by the Government namely 17600 sq. fts. for construction of the road in question.

In view of the aforesaid, we direct that on the petitioner filing a detailed claim along with certified copy of this



order to the respondent no. 5, respondent no. 5 shall assess compensation for the area in question which has been acquired for construction of road, namely, 17600 sq. fts. in accordance with law and ensure payment of the same to the petitioner within a period of three months from the date of receipt/production of a copy of this order.

With the aforesaid, the appeal stands allowed and disposed of.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

N.H./ ajay gupta/-

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