

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17941 of 2014

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1. Arun Kumar Singh son of Late Lakshmi Singh
2. Barun Kumar Singh son of Late Lakshmi Singh
3. Tarun Kumar Singh son of Late Lakshmi Singh
4. Arjit Patel son of Arun Kumar Singh
All resident of Village-Ikhlaspur, P.S. Bhabhua, Distt. Kaimur

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Rural Development Department, Bihar ,Patna
3. The Secretary, Road Construction Department, Bihar, Patna
4. The Collector, District Kaimur, Bhabhua
5. The Engineer-in-Chief, Road Construction, Department, Bihar, Patna
6. The Chief Engineer, Road Construction Department, South Bihar Sub
Division (Upbhag) Vishweshwaraya Bhawan, Baily Road, Patna
7. The Superintendent Engineer, Bhojpur Anchal, Road Construction
Department, Arrah
8. The Executive Engineer Road Construction Department, Bhabhua,
Kaimur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rai Ramesh Prasad
For the Respondent/s : Mr. SC6- M.K. Singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 05-02-2018 Heard learned counsel for the petitioners and the State.

The learned counsel for the petitioners submits that petitioners have filed this writ petition that without acquisition of his land of Plot No.2720 and 2721 of Khata No.1097, area 19 1/8 decimals situated in village Ikhlaspur, P.S. Bhabhua, District-Kaimur the same was used for widening of the road and construction of bypass road from Jai Prakash Chowk to Bus Stand, Bhabhua and no compensation was paid to the petitioners.



The State has filed counter-affidavit. From perusal of Annexure D wherein it is stated that the petitioner is entitled to get compensation as per the provisions of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

Learned counsel for the petitioner further submits that according to Annexure D of the counter-affidavit, the Executive Engineer, Road Construction Division, Bhabhua wrote letter to the District Magistrate, Kaimur, Bhabhua admitting this fact that the lands of Khesra No.2720 and 2721 of Khata No.1097 was used for construction and widening of the road/bypass road. The Executive Engineer requested the Collector to take steps for acquisition of land and for payment of compensation. It is further submitted that in the case of Achhaibar Singh v. State of Bihar in CWJC No.19154 of 2014, this Court directed the Collector to take steps for acquisition of land and payment of compensation to the petitioner.

Having considered the facts that without acquisition of land of the petitioner of Khesra No.2720 and 2721, the authority is said to have constructed Road, I direct the Collector to immediately initiate the process of land acquisition in accordance with law and pay compensation to the petitioner according to the



prevalent rate. The Collector shall pass order in accordance with law within six months.

Accordingly, this writ petition stands disposed of with the aforesaid direction.

(Prabhat Kumar Jha, J)

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