

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.20605 of 2014

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1. Naresh Sao, son of late Bhawan Sao.
 2. Rajkishore Prasad, son of Late Bishundeo Prasad.
 3. Siyasan Prasad Yadav, son of Late Bam Prasad.
 4. Shri Krishna Pandey, son of late Mathura Pandey.

All resident of village- Babhandiha, P.S.- Hilsa, District- Nalanda.

... .. Petitioners

Versus

1. The Union of India through the Secretary, Ministry of Rural Development, Government of India, New Delhi.
2. The State of Bihar through the Principal Secretary, Rural Works Department, Government of Bihar, Patna.
3. The District Magistrate, Nalanda at Biharsharif.
4. The Sub-Divisional Officer, Hilsa, District- Nalanda.
5. The Circle Officer, Hilsa, District- Nalanda.
6. The Engineer-in-Chief, Rural Works Department, Government of Bihar, Patna.
7. The Executive Engineer, Works Divisional, Harnaut, District- Nalanda, Rural Works Department, Government of Bihar.
8. M/S. K.S. Construction and Company, Kamruddinganj, Biharsharif by Proprietor Sulekha Kumari.

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Bhola Kumar, Advocate
For the Respondent/s : Mr. U.S.S.Singh, G.P.-1

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date : 15-03-2018

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

2. In the present case, the petitioners have raised the
grievance of encroachment of their land which has been



occupied for construction of the road running from Hilsa-Noorsarai Path to Tribhuwan Bigha, District- Nalanda, under Pradhan Mantri Gram Sadak Yojana. Basically, the petitioners have filed application for payment of compensation amount on account of illegal occupation of their land by the authority which has been used for the purposes of construction of road.

3. In the writ application, it has been stated that they have approached the Sub Divisional Officer and later on, Collector and pointed out the wrong done with them for illegal occupation of their land for construction of the road, but the authorities have not given any positive response.

4. A counter affidavit has been filed by the Circle Officer, wherein it has been stated that the Sub-Divisional Officer after receipt of the complaint referred the matter to the Circle Officer, Hilsa, for inquiry and to take necessary action. The report was submitted by Revenue Karamchari and on that basis Case No.01 of 2014-15 was instituted. It has further been stated that in presence of all the parties the plot has been measured by Anchal Amin on 27.11.2014 and 28.11.2014 and the Anchal Karamchari submitted the report on 05.12.2014. From the measurement, it does not appear that any portion of the land of the petitioners have illegally been occupied, rather



only there was extraction of the soil from the land of the petitioners.

5. Learned counsel for the petitioners has drawn the attention of this Court to the report of the Circle Officer, Hilsa, wherein he has given the details of the lands and stated that certain soil has been extracted from the land of certain raiyats mentioned in the letter, reflects the name of the petitioners.

6. This Court cannot arrive to a finding that the land of the petitioners has been utilized for construction of the road and Annexure-B of the counter affidavit does not reflect as such, but only reflects that the soil from the land, mentioned in Annexure-B, has been extracted and it has been used for the construction of the road.

7. If the petitioners are so sanguine, they may take legal action in accordance with law. But, admittedly, the contractor damaged the land of the petitioners by extracting the soil from the land and it is required that either the State should make suitable compensation or this Court directs the Collector, Nalanda, to give direction to the person or the contractor involved in the construction of the road for restoration of the land of the petitioner in suitable condition.



8. With the aforesaid observations and directions, this writ petition is disposed of.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
Uploading Date	03.04.2018
Transmission Date	N/A.

