

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15756 of 2016

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1. Sohagwati Devi W/o Late Dukhi Paswan Reisdents of Vill/Mohalla- Rajendra Nagar, P.S. and District- Nawada.
 2. Banshi Prasad S/o Late Bal Govind Gope Resident of Mohalla- Rajendra Nagar, P.S. and District- Nawada.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The District Magistrate, Nawada.
3. The Block Development Office, Nawada Block, District- Nawada.
4. The Executive Engineer, Minor Irrigation Department, Nawada.
5. The Secretary, Water Resources Department, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad
For the Respondent/s : Mr. Vikash Kumar- SC-11

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 13-05-2019 Heard learned counsel for the petitioners and the
counsel appearing on behalf of the State.

Learned counsel for the petitioners submits that the petitioners have filed the writ application raising the grievance that the authorities, without acquisition of land and payment of compensation in terms of 2013 Land Acquisition Act, have made construction of road over the private land of the petitioner.

Learned counsel appearing on behalf of respondents submits that realizing the fact that the land was a private land the respondents have restored the possession of the petitioner over their private land.



Considering the aforesaid, the present writ application is disposed of with a direction to the District Magistrate, Nawada to cause an enquiry and on verification and after determination and demarcation of petitioners land if it is found that the road was constructed over the land of the petitioners, the District Magistrate, Nawada shall be under obligation either to direct removal of the construction made over the land of the petitioner or to take steps for payment of compensation for the use of land of the petitioners.

Necessary decision either for payment of compensation in terms of 2013 Land Acquisition Act or removal of unauthorized construction made over the private land of the petitioners be taken within a maximum period of four months from the date of receipt/production of a copy of this order.

With the aforesaid, the present application stands disposed of.

(Anil Kumar Upadhyay, J)

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