

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3676 of 2019

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Bhuneshwar Prasad Son of Late Kamal Sah, resident of Village- Barwa Kala,
P.S.- Ghorasahan District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Secretary Rural Works Department Government of Bihar through Bihar Rural Road Development Agency Bihar, Patna.
3. The Project Manager, Mukhya Mantri Gram Sampark Yogna (MMGSY) Bihar Rural Road Development Agency, Bihar, Patna.
4. The Nodal Officer, Env and Social, Bihar Rural Road Development Agency Bihar, Patna.
5. The Engineer in Chief, Rural Works Department Government of Bihar, Patna.
6. The District Collector, Motihari East Champaran.
7. The Additional Collector-cum-Deputy Collector, Land Reforms Dhaka, East Champaran.
8. The Sub Divisional Officer (S.D.O.) Dhaka East Champaran.
9. The Executive Engineer, Cum Secretary Workshop (World Bank Representative) Rural Works Department, works Division Motihari, East Champaran.
10. The Executive Engineer, Rural Works Department, Works Division Dhaka, East Champaran.
11. The Assistant Engineer, Rural Works Department, Works Division Dhaka, East Champaran.
12. The Junior Engineer, Rural Works Department, Works Division Dhaka, East Champaran.
13. The Circle Officer, Ghorasahan East Champaran.
14. The Block Development Officer, Ghorasahan East Champaran.
15. The Mukhiya Gram Panchayat Raj Barwa Kala, Block- Ghorasahan, District- East Champaran.
16. The Panchayat Secretary Gram Panchayat Raj Barwa Kala, Block Ghorasahan, District- East Champaran.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 3498 of 2019

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Sanjay Kumar Singh Son of Late Rameshwar Singh Resident of Village-
Barwa Kala, P.S.- Ghorasahan, District- East Champaran

... .. Petitioner/s



Versus

1. The State of Bihar.
2. The Secretary, Rural Works Department, Government of Bihar through Bihar Ruural Road Development Agency, Bihar, Patna
3. The Project Manager, Mukhya Mantri Gram Sampark Yogna (MMGSY) Bihar Rural Road Development Agency, Bihar, Patna
4. The Nodal Office, Env and Social, Bihar Rural Road Development Agency, Bihar, Patna
5. The Engineer in Chief, Rural Works Department, Government of Bihar, Patna
6. The District Collector, Motihari East Champaran
7. The Additional Collector-cum-Deputy Collector, Land Reforms Dhaka, East Champaran
8. The Sub Divisional Officer (S.D.O.) Dhaka East Champaran
9. The Executive Engineer cum Secretary Workshop (World Bank Representative) Rural Works Department, Works Division Motihari, East Champaran
10. The Executive Engineer, Rural Works Department, Works Division Dhaka, East Champaran
11. The Assistant Engineer, Rural Works Department, Works Division Dhaka, East Champaran
12. The Junior Engineer, Rural Works Department, Works Division Dhaka, East Champaran
13. The Circle Officer, Ghorasahan East Champaran
14. The Block Development Officer, Ghorasahan East Champaran
15. The Mukhiya Gram Panchayat Raj Barwa Kala, Block Ghorasahan, District-East Champaran
16. The Panchayat Secretary Gram Panchayat Raj Barwa Kala, Block Ghorasahan, District- East Champaran

... Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 3676 of 2019)

For the Petitioner/s : Mr. Vijay Shankar Shrivastava

For the Respondent/s : Mr.P.N. Shahi (Aag6)

(In Civil Writ Jurisdiction Case No. 3498 of 2019)

For the Petitioner/s : Mr. Vijay Shankar Shrivastava

For the Respondent/s : Mr.Ajay (Ga5)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

5 23-04-2019 Heard learned counsel for the petitioner and the
counsel appearing on behalf of the State.



Learned counsel for the petitioner submits that the petitioners have filed these two writ applications raising the grievance that the authorities, without acquisition of land and payment of compensation, have constructed the 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 writ application disposed of with direction to the District Magistrate, Motihari, East Champaran to cause an enquiry into the matter and if it is found that land of the petitioner without acquisition was used for construction of road and soil was cut from the field of the petitioner, he shall ensure payment of compensation to the petitioner for using the private land of the petitioner either for construction of road or lifting the soil from the land of the petitioner. Necessary decision in the matter of compensation of petitioner and its payment must be taken by the respondent District Magistrate within a period of three months from the date of receipt/production of a copy of this order.

In the event compensation is not paid for the use of



private land of the petitioner within the aforesaid period the payment of compensation in terms of existing law will carry interest at the rate of 9% per annum and the interest shall be payable to the petitioner out of the pocket of the officials of the District Administration.

With the aforesaid, the present writ application stands disposed of.

(Anil Kumar Upadhyay, J)

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