

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19136 of 2018

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Kamla Dubey wife of Late Bisheshwar Nath Dubey, resident of Village-
Bankat, Police Station- Shahpur, District- Bhojpur. Petitioner/s
Versus

1. The State Of Bihar
 2. The District Magistrate, Bhojpur at Ara.
 3. The District Development Commissioner, Bhojpur at Ara.
 4. The Sub Divisional Officer, Jagdishpur, District- Bhojpur.
 5. The Circle Officer, Anchal Behea, District- Bhojpur.
 6. The Circle Inspector, Anchal- Behea, District- Bhojpur.
- Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rahul Nath
For the Respondent/s : Mr.Kameshwar Pd. Gupta- Gp10

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 30-04-2019 Heard learned counsel for the petitioner and the counsel
appearing on behalf of the respondents.

The grievance of the petitioner in the instant case is construction over his Raiyati land by the State authority for construction of road without acquisition and without paying compensation for the use of private land under rule 2013.

The State may have eminent domain but that does not mean that the State may make construction over the private land of the petitioner.

In the event, State needs land for public purpose, the State is required to follow procedure for acquisition of land.

Considering the fact that public road has been constructed over the private land of the petitioner, the Court grants indulgence to



the petitioner to file representation before the District Magistrate, Bhojpur at Ara who shall cause an enquiry over the claim of the petitioner as to construction over the private land of the petitioner and if it is found that the land in question is private land of the petitioner, the District Magistrate shall be under obligation to either restore back the land of the petitioner or to pay compensation for use of land of the petitioner.

Necessary decision as to restoration of possession over the land of the petitioner or for payment of compensation for use of land of the petitioner shall be taken by the District Magistrate, Bhojpur at Ara at the earliest preferably within a period of four months from today.

The petitioner is granted liberty to place all the relevant documents to establish his right, title and interest over the land in question as private land.

While taking decision, the Collector is also required to see whether initial alignment has been changed without cogent reason or not.

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

(Anil Kumar Upadhyay, J)

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