

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7220 of 2019

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Kiran Singh Wife of Satish Narayan Singh Resident of Mohalla- Chandel
House Mitra Mandal Colony Saket Vihar, P.S. Phulwari District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Land Revenue Department Govt. of Bihar, Patna.
2. The District Magistrate, Darbhanga P.S. and District- Darbhanga.
3. The Commissioner Nagar Nigam, Darbhanga, P.S. and District- Darbhanga.
4. The District Land Acquisition Officer Darbhanga, P.S. and District- Darbhanga.
5. The Sub Divisional Officer Darbhanga P.S. and District- Darbhanga.
6. The Circle Officer Darbhanga P.S. and District Darbhanga.
7. Shankar Sahani S/o- Shaukhi Sahani R/v Koyla Kund, P.S. Haya Ghat, District- Samastipur.
8. Kiran Kumari W/o Ashok Kumar R/v Bijuliya, P.S. Katerhi, District- Darbhanga .
9. Manju Jha W/o Shambhunath Jha R/M- Bankers Colony New Madarpur, P.S. and District- Darbhanga.
10. Vijay Kumar Thakur R/M Bakers Colony New Madarpur, P.S. and District- Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Dr. Anjani Pd. Singh, Adv.
For the Respondent/s	:	Prakritita Sharma, AC to SC-25
For Nagar Parishad	:	Mr. Bindhayachal Rai, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 09-04-2019 Heard learned counsel for the petitioner and the

counsel appearing on behalf of the State as well as learned

counsel appearing on behalf Darbhanga Municipal Corporation.

Learned counsel for the petitioner submits that

respondent Darbhanga Municipal Corporation has constructed

road over the private land of the petitioner.



Learned counsel appearing on behalf of the Corporation disputes this allegation. He submits that the petitioner has filed the present application for determination of the dispute between petitioner and private respondents.

From the representation, it is apparent that the land in question is not public land but the private land and between the private parties there is dispute and with a view to settle the private dispute petitioner he has filed present application.

Without going into the controversy whether the land in question is private land or public road and whether the respondent Corporation has constructed road over the land of the petitioner without following the procedure, the Court directs the Municipal Commissioner, Darbhanga Municipal Corporation to provide opportunity of hearing to the petitioner and after hearing the petitioner if it is found that the land in question is the private land of the petitioner and construction has been made by the Corporation without following the acquisition proceeding, the Municipal Corporation would be under obligation to provide compensation for use of land of the petitioner.

In the event if it is found that the Corporation is not willing to pay compensation for the use of the land of the



petitioner, the Corporation shall remove the construction if made unauthorizedly over the land of the petitioner.

Appropriate decision in this regard may be taken by the Municipal Commissioner, Darbhanga Municipal Corporation within a period of sixty days from the date of receipt/production of a copy of this order.

With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

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