

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13940 of 2014

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Kaushal Kishore Singh son of Late Ishwar Deo Singh R/o Village- Majhaulia
Estate, PS. and Anchal Bathnaha, District- Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar
2. District Magistrate, Sitamarhi
3. District Land Acquisition Officer, Sitamarhi
4. B.D.O. Bathanaha Sitamarhi
5. C.O. Bathanaha, Sitamarhi

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Alok Kumar Jha
For the Respondent/s : Mrs. Nivedita Nirvikar, GA-10

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 22-10-2019 The present writ petition has been filed for directing the respondent authorities not to construct road over the private land of the petitioner.

The respondents have filed a counter affidavit wherein in paragraph no. 6, it has been stated that the Circle Officer, Bathanaha, District-Sitamarhi has submitted his report in which he has stated that the disputed road has been constructed over the raiyati land of the petitioner. According to the report of the Circle Officer, Bathanaha, six decimals of land bearing PS No. 222, Khata No. 74, Khesra No. 184 of the petitioner has been used for construction of the road under the *Pradhan Mantri Gram Sadak Yojana* from Laxmipur to Nizamuddinpur.

Having regard to the facts and circumstances of the case,



this Court is of the opinion that the respondent-State have illegally constructed the road by usurping the raiyati land of the petitioner herein, hence either they are liable to remove the road in question from the land of the petitioner or they are liable to pay compensation for the land of the petitioner which has been used for the purposes of construction of road by taking recourse to the provisions contained in *the Right to Fair Compensation & Transparency in Land Acquisition, Rehabilitation & Resettlement Act, 2013*.

It is further directed that the aforesaid decision be taken by the State Government within a period of four weeks from today and in case the State Government decides not to remove the road from the land of the petitioner, appropriate compensation under the aforesaid Act, be paid forthwith within the same time frame for which the Chief Secretary, Government of Bihar, Patna, shall be responsible.

The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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