

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9061 of 2019

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Samir Kumar, Son of Late Prabhat Kumar, Resident of Village- Kaswan,
Police Station- Parasbigha in the district of Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
3. The Principal Secretary, Road Construction Department, Government of Bihar, Patna.
4. The District Magistrate-cum-Collector, Jehanabad.
5. The Sub-Divisional Magistrate, Jehanabad.
6. The Circle Officer, Ratni Faridpur Anchal in the district of Jehanabad.
7. The Executive Engineer, Road Construction Division, Jehanabad.
8. The District Land Acquisition Officer, Jehanabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Advocate
For the Respondent/s : Mr. Raj Kishore Roy (Gp18)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 24-04-2019 Heard learned counsel for the petitioner and the respondents.

The grievance of the petitioner in the instant writ application is that his Raiyati land has been utilized by the respondents without acquiring the same.

Without going into the controversy whether the land is private land or public land, the writ application is disposed of with a direction to the District Magistrate, Jehanabad to cause an enquiry into the claim of the petitioner that the land in



question is private land and construction was made without acquisition and without consent of the petitioner.

In the event, an appropriate application is filed by the petitioner before the Collector, Jehanabad along with a copy of this order, the Collector may cause an enquiry to ascertain whether the land in question is private land of the petitioner and whether the land was acquired or not. If the land is found to be private land of the petitioner and the same was not acquired, the Collector has to take appropriate decision either for restoration of possession of the private land of the petitioner or to pay compensation for use of the private land of the petitioner.

Necessary decision with regard to determination of the issue whether the land in question is private land or public land and payment of compensation for construction over the private land must be taken by the Collector, Jehanabad preferably within a period of three months from the date of filing of such application along with a copy of this order.

With the aforesaid, this application stands disposed of.

(Anil Kumar Upadhyay, J)

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