

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7135 of 2015

=====

Suman Kumar Dubey son of Late Girindra Prasad Dubey Resident of village-
Cheutaha, P.O. Pijari, P.S. Mainatar, District- West Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The District Magistrate, Bettiah, West Champaran.
3. The Sub Divisional Officer, Narkatiyaganj, District- West Champaran.
4. The Executive Engineer, Rural Work Department, Narkatiyaganj, District-
West Champaran.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Satya Ranjan Sinha
For the Respondent/s	:	Mr. Sunil Kr. Mandal, SC-3
		Mr. Arjun Prasad, SC-3
		Mr. Bipin Kumar, SC-3

=====

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 29-01-2019 Heard learned counsel for the parties.

This application has been filed seeking a direction to the respondents to pay the compensation amount to the petitioner in respect of the land of *Khata* No. 22, Plot No. 113/213, ad-measuring 01 *Bigha* 05 *Kathas* of Village Cheutaha in the district of West Champaran.

The petitioner contends that a *pucca* road is being constructed over the *khatiyani* homestead land of the petitioner without undertaking the process of acquisition in accordance with law. It is also the petitioner's case that he has land possession certificate. The petitioner is said to have approached



the authorities claiming his right and title over the land in question.

The Court cannot issue any direction to the respondents either to acquire the petitioner's land or to pay compensation, on the basis of what has been asserted in the writ application.

It goes without saying that no private land held by an individual can be forcibly acquired by the State of Bihar without following due procedure of law and compensating such land holder.

The question whether the land belongs to the petitioner and whether the same is required to be acquired for the purpose of construction of road are such matters which can be gone into by the executive authorities.

Further, the grievance, which the petitioner is raising in the present writ application can be raised by him before competent authority under the Bihar Right to Public Services Act, 2011.

This application is disposed of with the observation, as above. The petitioner shall be at liberty to approach competent authority for redressal of his grievance in accordance with law.



It is recorded that a counter affidavit has been filed on
behalf of State of Bihar, which has been taken on record.

(Chakradhari Sharan Singh, J)

Ashish/-

U			
---	--	--	--

