

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No. 3737 of 2016

Arising out of

Civil Writ Jurisdiction Case No. 3674 of 2015

=====

Krishan Ballabh Prasad Yadav, Son of Sri Ramji Yadav, Resident of Village-
Jogana, Akbarpur, District- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Manoj Kumar, Son of not Known to the petitioner, the District Magistrate-cum-Collector, Nalanda.
3. S. M. Qaiser Sultan (District) Son of not known to the petitioner, Development Commissioner, Nawada.
4. Shambhu Pandey, Son of not known to the petitioner, the Sub Divisional Officer, Rajauli, Nawada.
5. Nirmal Ram, Son of not known to the petitioner, the Anchal Adhikari, Block+ Circle- Akbarpur, District- Nawada.
6. Arshad Alam, Son of not know to the petitioner, the Executive Engineer, R.E.O., Rajauli, Nawada.
7. Erphan Ahmad, Son of not known to the petitioner, the Assistant Engineer (Incharge), R.E.O., Sub Division, Rajauli, Nawada.
8. Dilip Kumar, Son of Not known to the petitioner, the Junior Engineer (Incharge), R.E.O., Sub Division, Rajauli, Nawada.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Advocate
For the State : Mr. Arun Kumar Bhagat, AC to AAG 12.

=====

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 26-06-2019

Heard learned counsel for the petitioner and learned AC
to AAG 12 for the State.

2. The petitioner has moved the Court alleging violation
of the order dated 23.09.2015 passed in CWJC No. 3674 of 2015.

The relevant portion of the order reads thus:

*“Accordingly, this writ application is
being disposed of with a liberty to the petitioner to*



approach the District Magistrate-cum-Collector, Nawada giving details of his land and appending the copies the documents in support of his contention, if any. Upon such representation having been filed, let the Collector pass a reasoned order in accordance with law. It is made clear that if he comes to the conclusion the land of petitioner and his family is being utilized for the construction of the road without proper consent of the land owner then either the same should be acquired in accordance with law after payment of lawful compensation or the construction from the aforesaid land should be removed forthwith so that nature of the land should be restored to its original form.

However, if he comes to the conclusion that the petitioner's land has not been or is not being utilized and the road has been constructed upon the Government or public land or land of other persons from whom consent has already been taken then a detailed and speaking order should be passed which should immediately be communicated to the petitioner.

It is expected that the aforesaid exercise should be completed within four months from the date of filing of such representation along with a copy of this order."

3. Supplementary show cause has been filed on behalf of the opposite parties no. 2 to 6, in which copy of order dated 16.01.2017 passed by the District Magistrate, Nawada, has been brought on record. Perusal of the same discloses that it is a detailed and reasoned order in terms of the order of the Court dated 23.09.2015.

4. In view thereof, the Court is satisfied that the order of the writ Court has been complied with.



5. Accordingly, the application stands disposed off.

(Ahsanuddin Amanullah, J.)

P. Kumar

AFR/NAFR	
U	
T	

