

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7052 of 2013

=====

Bignath Pasi Son Of Sheo Kumar Pasi, Resident Of Village - Deoria, P.S.
Nuan, District - Kaimur Bhabhua

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary Rural Development Of Department, Govt. Of Bihar,
Patna
3. The Director, Rural Development Department, Government Of Bihar, Patna
4. The Director Panchayati Raj, Govt. Of Bihar, Patna Null Null
5. The Collector Kaimur At Bhabhua
6. The District Panchayati Raj Officer, Kaimur At Bhabhua
7. The Circle Officer Nuan, District - Kaimur
8. The Mukhiya Of The Gram Panchayat Raj, Khudura, District - Kaimur
9. The Secretary, Gram Panchayat Raj, Khudura, District - Kaimur At Bhabhua

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Ramakant Ram

For the Respondent/s : Mr.Madhukar Krishna Sinha Sc1

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

9 09-08-2019 The present writ petition was initially filed for restraining

the respondents from construction of road over the raiyati/ private

land of the petitioner herein.

The learned counsel for the petitioner has submitted that
on account of the intention of the respondents to benefit the raiyats
situated on the other side of the road, the respondents had taken a
decision to construct the road encroaching upon the private land of
the petitioner herein, despite the fact that it would have been more
appropriate to construct the road on the other side.

The respondents have filed a counter affidavit and have
admitted that the respondents have constructed road wherein 2 ³/₄



decimal land of the petitioner has been taken for the purpose of construction of road in question and during the pendency of the present writ petition, an encroachment proceeding has already been initiated as per the new Act.

The respondents No. 5 to 7 have filed a supplementary counter affidavit wherein it has been stated that apart from initiating a land acquisition proceeding under the new Act, a compensation of Rs. 60,500/- has also been calculated and a cheque for the same is ready to be handed over to the petitioner herein, however, the petitioner did not receive the same. At this juncture, the learned counsel for the petitioner submits that the petitioner would receive the said amount of Rs. 60,500/- but the petitioner reserves his right to challenge the acquisition proceeding in accordance with law.

Accordingly, the present writ petition stands disposed of with a direction to the Respondents to hand over the cheque of Rs. 60,500/- to the petitioner as well as with liberty to the petitioner to challenge the acquisition proceedings/ Award before an appropriate forum.

(Mohit Kumar Shah, J)

Tiwary/-

U			
---	--	--	--

