

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7374 of 2017

=====

Brahma Nand Rai Son of Late Shiv Ratan Rai, Resident of Village-Golambar
Jaso Road, Buxar, Police Station-Buxar District-Buxar

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Secretary, Department of Revenue and Land Development, Government of Bihar, Patna.
3. The District Magistrate, Buxar
4. The District Development Commissioner, Buxar, District-Buxar.
5. The Sub Divisional Officer, Sub Division Buxar, District-Buxar
6. The Block Development Officer, Block Buxar, District-Buxar
7. The Circle officer, Circle Buxar, District-Buxar
8. Vijay Kumar Singh, the then Circle Officer, Buxar, Presently posted at Gaya Sasar Block, District- Gaya
9. The District Land Acquisition Officer, Buxar, District- Buxar.
10. The Gram Panchayati Raj, Jaso through its Mukhiya

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Choudhary Shyam Nandan
For the Respondent/s : Mr.Raj Kishore Roy, GP-18

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 29-08-2019 The present writ petition has been filed for directing the respondents State authorities to remove the forceful encroachment made over the land of the petitioner by construction of PCC Road from main road Jaso to the Dalit Basti up to Prabhakar Dubey's house under the MLC fund.

The learned counsel for the respondent-State referring to paragraph no. 4 has admitted that the PCC Road has been constructed over a portion of the private land of the petitioner



herein.

It is a settled law that an encroachment made by the State Government over the private land of a private individual is required to be either removed or such private individual is required to be compensated by resorting to the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as the 'Acquisition Act, 2013').

The learned counsel for the respondent-State submits that the appropriate action would be taken under the provisions of the 'Acquisition Act, 2013 by assessing and making payment of the appropriate compensation to the petitioner or in the alternative the encroachment shall be removed by the State Government authorities.

Having regard to the fair submissions advanced by the learned counsel for the respondent-State, I deem it fit and proper to direct the respondents State authorities to either remove the encroachment over the private land of the petitioner, made by the State Government authorities, or make payment of the appropriate amount of compensation as aforesaid, within a period of 12 weeks of receipt/production of a copy of this order, which shall be served on the District Magistrate, Buxar, for



needful compliance of the present order.

The writ petition stands allowed to the aforesaid
extent.

(Mohit Kumar Shah, J)

S.Sb/-

U			
---	--	--	--

