

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.10549 of 2019**

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1. Anil Kumar, S/o Late Vashishth Narayan Verma, Resident of Village- Zuneda, P.S.- Motipur, District- Muzaffarpur, At present resident of Indrapuri Colony, Road No. 02, Mithunpura, P.O.- Ramna, P.S.- Mithunpura, District- Muzaffarpur.
  2. Sanjay Kumar, Son of Late Surendra Kumar, Resident of Village- Zuneda, P.S.- Motipur, District- Muzaffarpur, At present resident of quarter no. 356/B DLW colony, P.S.- Maduadih, District- Vanarshi (U.P.)

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue & Land Reforms Department, Government of Bihar, Patna.
2. The Director, Revenue & Land Reforms Department, Govt. of Bihar, Patna.
3. The Director, Land Acquisition, Govt. of Bihar, Patna.
4. The Engineer in Chief, Road Construction Department, Government of Bihar, Patna.
5. The Chief Engineer, Road Construction Department, Government of Bihar, Patna.
6. The Collector, Muzaffarpur.
7. The District Land Acquisition Officer, Muzaffarpur.
8. The Superintending Engineer, Road Construction Department, Muzaffarpur.
9. The Executive Engineer, Road Construction Department, Muzaffarpur.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Rakesh Kumar Shrivastava, Advocate  
For the Respondent/s : Mr.Subash Chandra Yadav (Gp15)

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**  
**ORAL ORDER**

2      09-05-2019                      Heard learned counsel for the petitioners and the respondents.

2. The grievance of the petitioners in the present writ application is use of petitioners' private land by the State authority for construction of road without following the process of acquisition and without payment of compensation.



3. Learned counsel for the petitioners submits that with reference to Annexures-2 and 4, particularly, Annexure-4, which is letter of the Director, Land Acquisition, Bihar, Patna addressed to Collector, Muzaffarpur wherein the Director Land Acquisition, Bihar, Patna has admitted taking possession of land by the State agency without any land acquisition proceeding.

4. Considering the aforesaid, the writ application is disposed of with a direction to the Collector, Muzaffarpur to cause an enquiry into the allegation of the petitioners that without acquiring their land or without any compensation to them, the respondents have made construction over their private land. It is true that the State has right of eminent domain but for using the private land the State is required to follow up the procedure for acquisition and pay compensation.

5. From Annexure-4 it appears that the land of the petitioners was forcibly taken over by the State agency without acquisition of land and without payment of compensation, the Court deem it fit and proper that the District Magistrate, Muzaffarpur may first examine the claim of the petitioners and if he comes to a conclusion that the land of the petitioners was not acquired and they have not been paid compensation in lieu of use of their land then he is required to see that compensation



in terms of the 2013 Land Acquisition Act is paid to the petitioners or to restore back the possession of the land of the petitioners immediately.

6. Necessary decision either to restore back the possession of the petitioners or to pay compensation for use of the private land of the petitioners may be taken by the District Magistrate, Muzaffarpur within a maximum period of 90 days from the date of receipt/production of a copy of this order. After the decision, the District Magistrate, Muzaffarpur has to ensure payment of compensation within a further period of 30 days from the date of taking such decision.

7. With the aforesaid, this application stands disposed of.

**(Anil Kumar Upadhyay, J)**

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