

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.874 of 2017

Quasim Ali Son of Late Hawaldar Mian, resident of Khariwa Tola, P.O. Bakhari Pachrukha, Anchal- Ramnagar, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Rural Work, Department of Bihar, Patna.
3. The District Magistrate, West Champaran at Bettiah.
4. The Anchal Adhikari, Ramnagar Anchal, District- West Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma
For the Respondent/s : Mr.Subhash Chandra Yadav, GP-15

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 05-09-2019 The present writ petition has been filed for directing the respondents to change the alignment of the road being constructed under the *Pradhan Mantri Gram Sadak Yojana* without acquisition of land and without payment of any amount of compensation which is proposed to pass through Khatiyani land of the petitioner appertaining to Khata No. 34, Khesra No. 513, Thana No. 574, area 7 kathas 8 dhurs of Mauja-Bakwa Chandaul, Anchal-Ramnagar, District-West Champaran.

The learned counsel for the petitioner submits that in case the respondent authorities want to construct any road over the private land of the petitioner, then they are required to pay compensation to the petitioner under 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').

Having regard to the facts and circumstances of the case, this Court is of the view that in case any private land of the petitioner is being sought to be encroached by the Government even for the purposes of construction of road, either the said encroachment is required to be removed or in the alternative appropriate compensation is required to be paid as per the Acquisition Act, 2013 after acquiring the land in question.

Having regard to the facts and circumstances of the case, I deem it fit and proper to grant liberty to the petitioner to approach the District Magistrate, West Champaran, Bettiah by filing appropriate petition within a period of four weeks from today, whereupon the said District Magistrate shall take appropriate steps and pass necessary orders within a period of twelve weeks thereafter.

It is needless to state that in case no road has been constructed, then the respondents would be entitled to take recourse to the appropriate provisions of law, if they wish to construct road over the private land of the petitioner.

(Mohit Kumar Shah, J)

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