

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11491 of 2019

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Akshay Kumar Dubey, Son of late Shree Ram Dubey Resident of Village-
Khaira Deep, P.S. Daudnagar, District- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of Rural Work, Government of Bihar, Patna.
2. The District Magistrate, Aurangabad.
3. The Sub-Divisional Officer, Daudnagar, District- Aurangabad.
4. The Executive Engineer, Department of Rural Work, Work Division, Daudnagar, District- Aurangabad.
5. The Assistant Engineer, Department of Rural Work , Work Sub-Division, Daudnagar, District- Aurangabad.
6. The Circle Officer, Daudnagar, District- Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Mishra
For the Respondent/s : Mr.Sanjeet Kr. Singh (Aag6)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 18-06-2019 Heard learned counsel for the petitioner and the
counsel appearing on behalf of the State.

Grievance of the petitioner in the present case is arbitrary action on the part of the respondents for construction over the private land of the petitioner under Pradhan Mantri Gramin Sadak Yojana.

Learned counsel for the petitioner submits that neither land was acquired nor any compensation was paid to the petitioner yet respondents are proceeding ahead for construction over the private land of the petitioner.



The respondents are required to acquire the land after payment of compensation in accordance with law before making any construction over the private land of the petitioner.

Since the respondents have not acquired the land and not paid any compensation to the petitioner, they are not authorized to make any construction over the private land of the petitioner under the Pradhan Mantri Gramin Sadak Yojana.

In the event, the respondents are proceeding with the construction, they are required to pay adequate compensation in terms of 2013 Act otherwise, they are required to release the land of the petitioner.

In the peculiar facts and circumstances of the case, the writ petition is disposed of with direction to the respondents either to restore back the possession of the private land of the petitioner or to pay adequate compensation to the petitioner for use of private land of the petitioner in terms of 2013 Act.

Necessary decision in this regard may be taken by the respondents within a period of four months from the date of receipt/production of a copy of this order.

(Anil Kumar Upadhyay, J)

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