

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7689 of 2011

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BHUVANESHWER CHOUDHARY S/O Late Surya Narayan Choudhary
R/O Village Post Chandpura, P.S. Patary, District - Samastipur, Bihar

... .. Petitioner/s

Versus

1. THE UNION OF INDIA, Ministry Of Rural Development , Shashtri Bhawan, New Delhi
2. The State Of Bihar , Through Its Chief Secretary, Main Secretariat Building, Patna Bihar
3. The Project Manager Cum Chief Engineer, Pradhan Mantri Gramin Sarak Yojna Pmgsy Project Circle, C.P.W.D., Sixth Floor, Pant Bhawan, Bailey Road, Patna, Bihar
4. The Project Manager Cum Chief Engineer, Mukhya Mantri Gramin Sarak Yojna, Rural Works Department,
5. The District Magistrate Cum Collector, Distt. Samastipur, Bihar
6. The Executive Engineer, Pradhan Mantri Gramin Sarak Yojna Pmgsy Adarsj Magar. Dostroct - Samastipur, Bihar
7. The Executive Engineer, Mukhya Mantri Bramin Sarak Yojna Rural Works Department , Rosera, Districtsamastipur, Bihar
8. The Block Development Officer, Blokc P.S. P.O. Pataory, District Samsastipur, Bihar
9. The Circle Officer Circle P.S. P.O. Pataory, District Samsastipur, Bihar
10. The Block Development Officer, Block P.S. P.O. - Mohiuddin Nagar, District - Samastipur, Bihar
11. The Circle Officer Block P.S. P.O. - Mohiuddin Nagar, District - Samastipur, Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Purushottam Kumar Jha, Adv.
Mr. Jitendra Acharya, Adv.

For the Respondent/s : Mr. R.K.Verma SC-27

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

8 12-04-2019 Heard learned counsel for the petitioner and the
counsel appearing on behalf of the State.

Considering the admitted facts that the land of the
petitioner was used by the respondent Authorities without



following the acquisition procedure and without the consent of the petitioner, the respondents have only option to pay compensation to the petitioner i.e. at the rate of market value prevailing today to the petitioner within a period of one month as the construction was made in 2009 which is patently illegal and unauthorized and therefore, while assessing the compensation of the land in question the today market value shall be the market value. The respondents have to determine the compensation amount within 30 days and payment should be made to the petitioner within a further period of 60 days, failing which the amount of compensation shall carry interest at the rate of 9%. Additionally, if the respondents have lifted the soil from the petitioner's land without following the procedure in that situation also the respondents have to determine compensation payable to the petitioner in accordance with law within the same period.

With the aforesaid, the present writ application stands disposed of.

(Anil Kumar Upadhyay, J)

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