

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.117 of 2017

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Rai Bahadur Dalip Narayan Singh Trust Estate Son of Late Raghubar
Narayan Singh, resident of Uddiyana, Dalip Mahal, P.S. Kotwali, District –
Munger

... .. Petitioner/s

Versus

1. The State of Bihar
 2. The District Magistrate, Nalanda at Biharsharif
 3. Principal Secretary, Road Construction Department Govt. of Bihar
Visheshwaraiya Bhawan, Bailey Road
 4. Municipal Commissioner, Rajgir Municipality, Rajgir, District - Nalanda
 5. Chairman, Jila Parishad, Nalanda
 6. Chairman - Cum - MD, South Bihar Power Distribution Co. Ltd. 4th Floor,
Vidyut Bhawan, Bailey Road,
 7. Electrical Distribution Co. Ltd. Rajgir
 8. Pankaj Yadav @ Bindu Yadav, S/o Jugeshwar Yadav, resident of village -
Badripur, Mahadevpur, P.O. and P.S. Rajgir, District - Nalanda
- Respondent/s

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Appearance :

For the Petitioner/s : Mr.Kumar Uday Singh
For the Respondent/s : Mr.Sushil Kumar- Gp22
For respondent no.6&7 : Mr. Kumar Manish

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

6 29-05-2019 Heard learned counsel for the petitioner and the counsel
appearing on behalf of the State.

Learned counsel appearing on behalf of the petitioner
would contend that State cannot use the private property of the
petitioner for construction of road without acquisition of land and
payment of compensation.

Mr. Kumar Manish, learned counsel appearing on
behalf of the respondent nos. 6 and 7 admits that State including
instrumentality of the State has no jurisdiction to make any
construction without consent of the petitioner and without
acquiring the land in any event without payment of compensation.



In view of the settled proposition of law and the consensus that emerged from the submission advanced by the parties, the writ petition deserves to be disposed of with direction to the District Magistrate, Nalanda to cause enquiry on the factual aspect whether the land in question is private land of the petitioner and if it is found that the land of the petitioner was utilized by the State including instrumentality of the State for construction purpose, it is solemn duty to the State to compensate the petitioner with adequate compensation.

The quantum of compensation is to be determined in terms of 2013 Act and necessary decision as to the determination whether the land in question is private land or public land and quantification of compensation in terms of 2013 Act is to be done within a period of four months after the general election.

It is made clear that the Collector has to ensure payment of compensation after completing all formalities within the aforesaid period.

With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

Ravi/-

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