

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1260 of 2020

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Anandi Mishra @ Anaji Mishra, Aged about 48 years, Male, Son of Late Muktinath Mishra, Resident of Village and P.O. Sah Alamnagar, Police Station-Alamnagar, District-Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Land Reforms and Revenue, Bihar, Patna.
2. The District Collector, Madhepura, District-Madhepura.
3. The District Land Acquisition Officer-cum-Competent Authority, Madhepura.
4. Chief Engineer-cum-Special Secretary-cum-Additional Commissioner Road Construction Department, Govt. of Bihar, Vikash Bhawan, Bailey Road, Patna.
5. Executive Engineer, Road Construction Department Road Construction Division, Madhepura, District-Madhepura.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sunil Kumar Singh with Mr. Nirmal Kumar Singh, Advocates
For the State	:	Mr. Sajid Salim Khan, SC 25 with Ms. Prakritita Sharma, AC to SC 25

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 21-01-2020

Heard learned counsel for the petitioner and learned SC
25 for the State.

2. The petitioner has moved the Court for the following
reliefs:

“For issuance of an appropriate writ in the nature of mandamus directing the respondents to grant the compensation alongwith appropriate interest with regard to the land of petitioner i.e. old Khesra No. 1321 of New Khesra No. 2332/7810 of khata no. 1512 and old Khesra No. 1318 of New Khesra No. 2333 of Khata No.



99 Mauza Alamnagar, Thana No. 72/1 under the Right to Fair compensation and Transparency in Land Acquisition, Rehabilitation & Re-settlement Act, 2013 which has been acquired for Karama Alamnagar Road Project for the construction of the referred project.

II. To hold and declare that petitioner is entitle to get the market value on such acquisition at present market value and declared by Sub-Registrar, Udakishunganj, Madhepura.

III. Appropriate interest which is 12 percent and 15 percent over such evaluated amoutn of compensation must be paid from the date of the notification i.e. 1997 in the light of the direction/decision of State Govt. letter no. 1342 dated 4.12.2015.

IV. For any other relief/reliefs to which the petitioner may be entitled to.”

3. The grievance of the petitioner is that though earlier his private lands, which is the subject matter of the present writ application, were proposed to be acquired by the authorities, but the proceedings never reached their logical conclusion, and despite that, for making the road, his private land has been used. In support of such contention, learned counsel referred to Annexure-6, which is copy of Letter No. 149 dated 27.06.2019 written by the Collector, Madhepura to the Executive Engineer, Road Construction Department, Madhepura indicating that the private land has been used for making construction and money has been asked for paying to the land owners. Learned counsel submitted that he is also covered by such communication. Learned counsel



drew the attention of the Court to judgment dated 21.12.2019 passed in CWJC No. 17917 of 2018 in **Prashant Kumar Mishra Vs. The State of Bihar & Ors.** It was submitted that he is similarly situated to the petitioner and had approached the Court for similar relief which was disposed off with a direction to the Collector, Madhepura and the District Land Acquisition Officer, Madhepura to ensure that the compensation amount with regard to the land of the petitioner which has been acquired and used by the State authorities for public purpose is paid to him. Learned counsel submitted that the Court had further clarified that as the matter had not attained finality in terms of the earlier requisition for acquisition and after coming into force of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, if the petitioner (**Prashant Kumar Mishra**) was covered, the compensation amount shall be calculated in terms of the aforesaid Act.

4. Learned counsel for the State fairly submitted that if factually the private land of the petitioner has been taken for making any construction for public purpose, the State authorities are required to pay compensation for the same, in accordance with law.



5. Having regard to the aforesaid, the writ petition stands disposed off with a direction to the respondents no. 2 and 3 to look into the matter with regard to whether any private land of the petitioner has been taken for the said purpose. If it is found that the same has been done, the area shall be calculated by spot verification/measurement in the presence of the petitioner. Upon the same being done, the land of the petitioner shall be dealt with, in accordance with law, under The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, after verification that any previous proceeding for the land acquisition had not attained finality. Upon doing so, the authorities shall calculate the compensation amount and also pay the same to the petitioner.

6. The exercise shall be completed within three months from the date of production of a copy of this order before the respondents. no. 2 and 3.

(Ahsanuddin Amanullah, J)

Anjani/-

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