

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 1431 of 2020

=====

Damodar Singh, aged about 64 years (Male), Son of Mahaveer Singh,
resident of Village- Bhualpur, P.S.- Buniyadganj, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Land and Revenue Reforms, Bihar, Patna.
2. The Divisional Commissioner, Magadh Division, Gaya.
3. The Collector-cum-District Magistrate, Gaya.
4. The Additional Collector, Gaya.
5. The Executive Engineer, Rural Works Department Works Division, Neemchak Bathani, District- Gaya.
6. The Sub Divisional Officer, Sadar, Gaya.
7. The District Land Acquisition Officer, Gaya.
8. The Circle Officer, Manpur, Gaya.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Pradhan Murli Manohar Prasad and Mr. Raju Kumar, Advocates
For the State	:	Mr. Sajid Salim Khan, SC 25 Mr. Prakritita Sharma, AC to SC 25

=====

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 29-01-2020

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

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

*“(i) To issue an appropriate order/s
direction/s including a writ preferably in the nature
of Mandamus commanding and directing upon the
respondents to make the payment of compensation to
the petitioners with respect to land measuring 0.2
Dec. 0.2 Dec., 0.18 dec. and 31 dec. respectively*



appertaining to Khesara No. 186, 187, 317 situated in mauza Bhualpur, PS- Buniyadganj, District- Gaya which has been acquired for the purpose of construction of PCC Road without following the due process of acquisition of land under the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Re-settlement Act, 2013.

(ii) To direct the respondents to make the payment of compensation of the aforesaid land @15/20 lacs per Katha along with cost of registration of sale or agreement to sale as the case may be prevailing in the area taking into the consideration that nature of land is commercial in nature.

(iii) To direct the respondents to assess and determe the market value of the land in terms of section 26 of the New Act, 2013.

(iv) To any other relief/s to which the petitioners may be found entitled in the facts and circumstances of the case.”

3. The grievance of the petitioner is that his private *Rayati* land has been used for making PCC road under the *Pradhan Mantri Gramin Sadak Yojna* without any process being initiated to acquire or take on lease the land, much less making payment for the same.

4. Learned counsel for the State, at the very outset, fairly submitted that the authorities are first required to make an on spot enquiry with regard to the land on which construction of PCC road has been made and whether any portion of such road is on the private *Rayati* land of the petitioner, as per the revenue records of the State. It was submitted that thereafter whatever



fact emerges, the authorities definitely are required to take action. It was further submitted that if it is found that any portion of private land of the petitioner has been used for such project, the authorities can then be directed to take steps under the relevant law, either for acquiring the land or for taking it on permanent lease and accordingly, compensate the petitioner.

5. Learned counsel for the petitioner agrees to such exercise.

6. In view thereof, the writ petition stands disposed off with a direction to the respondent no. 3 to get an on the spot enquiry conducted in the presence of the petitioner/his authorized representative/his Amin with regard to his claim. Thereafter, a report shall be submitted to the respondent no. 3 by the said enquiry team. If the same discloses that any portion of land used for making such construction belongs to the petitioner, the authorities shall be obliged to take appropriate action under the relevant statute with regard to either acquiring the land or taking it on permanent lease, the exercise under such law shall be taken to its logical conclusion and whatever is found due and payable to the petitioner shall be paid to him. The entire exercise be conducted within a period of six months from



the date of production of a copy of this order before the
respondent no. 3.

(Ahsanuddin Amanullah, J.)

Anand Kr.

AFR/NAFR	
U	
T	

