

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.78 of 2020

In

Civil Writ Jurisdiction Case No.8660 of 2019

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1. Jangli Pandit S/o Late Makho Pandit, R/o Village-Khandipar, P.S.-Katoria, District-Banka
 2. Govnid Pandit S/o Late Makho Pandit, R/o Village-Khandipar, P.S.-Katoria, District-Banka
 3. Parmeshwar Pandit S/o Late Makho Pandit, R/o Village-Khandipar, P.S.-Katoria, District-Banka
 4. Ganesh Pandit S/o Late Makho Pandit, R/o Village-Khandipar, P.S.-Katoria, District-Banka
 5. Basudeo Pandit S/o Late Makho Pandit, R/o Village-Khandipar, P.S.-Katoria, District-Banka

... .. Appellant/s

Versus

1. The State of Bihar through the Secretary, Department of Rural Works Department, Bihar, Patna
2. Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna
3. The Divisional Commissioner, Bhagalpur Division, Bhagalpur,
4. District Magistrate, Banka
5. The Executive Engineer, Rural Works Department, Work Division, Banka
6. the Sub Divisional Officer, Banka, District Banka
7. The Circle Officer, Katoria, District- Banka

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Dharendra Nath Jha, Adv.

For the Respondent/s : Mr. Punkar Narain Shagi (AAG6)

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

and

HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 28-04-2022



I.A. No. 1 of 2020

For the reasons mentioned in this interlocutory application, the prayer made therein for condoning the delay in filing the present appeal is allowed.

Accordingly, the I.A. No. 1 of 2020 stands allowed.

Heard Mr. Dharendra Nath Jha, learned advocate for the appellants and learned counsel for the State/respondents.

The appellants have claimed that on their raiyati land, a road was constructed under the Mukhya Mantri Gramin Sadak Yojana from Rajwara PWD road to Kharipar Village way back in the year 2008-09, but they were never compensated for the aforesaid use of their lands.

The learned Single Judge has found that under the Mukhya Mantri Gramin Sadak Yojana, there was no provision of acquisition of land but, only the consent of land owners was to be obtained for implementing the scheme.

The road in question appears to have been constructed in the year 2008-09 and the learned Single Judge did not find any objection of the appellants at that time. It was thus presumed that there was consent of the appellants for use of their land for public purposes viz construction of road.



The issue of compensation was raised by the appellants ten years after the construction of the road, which claim, in our opinion, was rightly rejected by the learned Single Judge.

Learned counsel for the appellants has drawn attention of this Court to a communication from the Principal Secretary, Panchayati Raj Department to all the District Magistrates of the State of Bihar in the year 2013, requesting them to collate all information regarding lands which have been made use of for implementing various schemes of the Government as many matters were, at that time pending before the High Court with respect to compensation for such lands.

Nothing has been brought on record or has been told to us about the conclusion of such exercise by the Government.

The learned advocate for the appellants also has not been able to inform this Court as to whether any interference was made in the case of any land holder whose land under his consent was used for construction of road or other charitable scheme of the Government.

We find that there was no objection on the part of the appellants in the year 2008-09 when some part of the land was used for construction of road under the Government scheme. After



about 10 years, the appellants would be estopped from making any such plea for grant of compensation.

We find no anomaly in the order passed by the learned Single Judge.

We dismiss this appeal, but without any cost.

(Ashutosh Kumar, J)

(Anjani Kumar Sharan, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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