

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 13863 of 2015

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Ajay Kumar Mishra S/o Late Radhey Shyam Mishra Resident of Village
Goura, P.S. Biroul, District Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Collector, Darbhanga, District Darbhanga.
3. District Land Acquisition Officer, Darbhanga.
4. The Bihar State Road Development Corporation Ltd. Through the Managing
Director, B.S.R.D.C.L. Patna.
5. The General Manager, B.S.R.D.C.L. Patna.
6. The Deputy General Manager (Technical) Project Implementation Unit,
Samastipur.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 13877 of 2015

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Baiju Kant Mishra Son of late Bidya Kanti Mishra resident of Village- Goura,
P.S. Biroul, District Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Under Secretary to the Government of Bihar, Department of Revenue and
land Reforms (Land Acquisition Directorate) Patna.
3. Collector, Darbhanga, District Darbhanga.
4. District Land Acquisition Officer, Darbhanga.
5. The Bihar State Road Development Corporation Ltd. Through the Managing
Director, B.S.R.D.C.L. Patna.
6. The General Manager, B.S.R.D.C.L. Patna.
7. The Deputy General Manager (Technical) Project Implementation Unit,
Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Rajni Kant Jha
For the Respondent/s	:	Mr. Sarvesh Kumar Singh, A.A.G.-13
For the Corporation	:	Mr. Lalit Kishore, Sr. Advocate
		Mr. Manish Dhari Singh

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR



ORAL ORDER

12 08-08-2022 Heard the parties.

Paragraph No. 8 and 9 of the supplementary counter affidavit filed on behalf of the Respondents No. 5, 6 and 7 reads as follows:-

“8. That in line with the memo no. 646/bhu.arj., dated 09.07.2022 of Collector, Darbhanga, it was communicated to Collector Darbhanga vide CGM, BSRDCL letter no. 1764, dated 12.07.2022, the grant of approval from the competent authority of BSRDCL for initiation of fresh proposal of Land Acquisition process under the provision of RFCTLARR Act., 2013 on submission of proposal from BSRDCL.

9. That in view of the foregoing submissions, it is humbly prayed that the Hon'ble Court may allow the answering respondent to complete the construction and up-gradation of the road at the disputed site which is funded by the Asian Development Bank. It is pertinent to mention herein that disputed stretch is very small part i.e. 930 meter (approx) of the SH 88 Varuna Bridge Rasiyari Road Project, total length 120.34 Km for which improvement/up gradation including maintenance during rainy season is necessary. Project will not be completed unless Contractor will be allowed to upgrade the road at the disputed site continuously with other part of the stretch. Man, Machinery are mobilized by him and availability of construction materials, aggregates etc will help him to accomplish the work within a stipulated time frame without abandoning the disputed site.”

The petitioners have no objection if land is required under the new Act and he is paid compensation in accordance



with law.

The Respondents are directed to initiate proceeding of land acquisition under the new Act. They are permitted to start the construction if they are ready to acquire the land as per the new law.

The payment of compensation to the petitioner must be decided within a period of three months and if the petitioners may have any objection in future, they have all the liberty to raise all their grievances in accordance with law before the competent authority.

With the aforesaid observations and directions, both the writ petitions are disposed of.

Re. I.A. No. 1 of 2020

The present interlocutory application has been filed to recall/modify the order dated 29.03.2016 passed in C.W.J.C. No. 13863 of 2015 whereby this Court had directed the parties to maintain *status quo* over the land in question.

The stay is automatically vacated in view of the order passed today in the writ petitions.

I.A. No. 1 of 2022 is, accordingly, disposed of.

(Sandeep Kumar, J)

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