

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1211 of 2023

Ashok Kumar son of Lakhan Lal, resident of Mohalla Murarpur, P.S.- Laheri,
District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through District Magistrate Nalanda.
2. Land Acquisition Officer Nalanda.
3. Executive Engineer, Road Construction Department, Nalanda.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Archana Sinha @ Archana Shahi
For the Respondent/s : Mr. Raj Kishore Roy (Gp 18)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 11-12-2023 Heard learned counsel for the parties.

2. This writ petition has been filed for commanding the respondent authorities to pay compensation to the petitioner for acquisition of his land bearing Khata No. 79, Plot/Khesra No. 1606, Area 18 Decimal situated at Mauza Mahanandpur, P.S.- Deepnagar, District- Nalanda for construction of temple.

3. Learned counsel for the State, referring to paragraph No. 5 of the counter affidavit filed on behalf of respondent Nos. 1 and 2, submits that there was temple in the middle of NH-31/New 20 (Rajauli-Bakhtiyarpur) Road and in order to widen the said road, temple was shifted by the respondents. In light of this writ petition, the concerned Amin was directed to submit measurement report in respect of the land bearing Plot No. 1606 belonging to the petitioner vide memo No. 2788 dated 13.10.2023 along with Nazari-Naksha dated



17.10.2023. From perusal of the said measurement report it transpires that part of the Plot No. 1606 measuring area $1.5 \times 17.5 = 26.25$ Sq. Feet has been utilized in construction of the temple and rest part of the temple has been constructed over the public land in the nature of Ditch bearing Plot No. 1807 (Annexure-R/A).

4. In view of the rival submissions made on behalf of the parties, materials available on record and the joint measurement report dated 17.10.2023 it is not in dispute that 26.25 Sq. Feet land of the petitioner has been utilized by the respondents for construction of temple.

5. In that view of the matter, this writ petition is disposed of with direction to the petitioner to file fresh representation before the Land Acquisition Officer, Nalanda (Respondent No. 2) within a period of six weeks from today regarding payment of compensation to the petitioner in accordance with law.

6. In the event such representation is filed by the petitioner within the stipulated time period, Respondent No. 2 is directed to dispose of the same in accordance with law, after hearing the parties, as early as possible.

7. Writ petition is disposed of with the aforesaid



directions.

(Prabhat Kumar Singh, J)

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