

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21978 of 2018

1. Arvind Kumar, Son of Late Gursahay Singh, Resident of Village- Akbarpur, P.S.- Asthawan, District- Nalanda
2. Shashikant Prasad Singh, son of late Nand Kumar Singh, resident of Village- Akbarpur, P.S.- Asthawan, District- Nalanda
3. Banke Bihari Singh, son of Late Pyare Singh, resident of Village- Akbarpur, P.S.- Asthawan, District- Nalanda
4. Jagdish Singh, son of Bhansingh Mahto, resident of Village- Akbarpur, P.S.- Asthawan, District- Nalanda
5. Surendra Prasad, son of late Meghu Mahto, resident of Village- Akbarpur, P.S.- Asthawan, District- Nalanda
6. Birendra Prasad, son of late Dukhi Singh, resident of Village- Akbarpur, P.S.- Asthawan, District- Nalanda
7. Arjun Prasad, son of Dukhi Singh, resident of Village- Akbarpur, P.S.- Asthawan, District- Nalanda
8. Ramji Prasad, son of Late Rampratap Mahto, resident of Village- Akbarpur, P.S.- Asthawan, District- Nalanda
9. Dharmvir Kumar Sinha, son of Bangali Prasad singh, resident of Village- Akbarpur, P.S.- Asthawan, District- Nalanda.
10. Ram Chandra Prasad, son of Baldev Prasad, resident of Village- Akbarpur, P.S.- Asthawan, District- Nalanda
11. Amarjeet Kumar, son of Pankaj Kumar, resident of Village- Akbarpur, P.S.- Asthawan, District- Nalanda.
12. Shiv Kumar Prasad Sinha, son of late Baijnath Sinha, resident of Village- Akbarpur, P.S.- Asthawan, District- Nalanda.
13. Dhanush Dhari Prasad, son of Hari Charan Mahto, resident of Village- Akbarpur, P.S.- Asthawan, District- Nalanda.
14. Ajay Kumar, son of late Sukhdayal Mahto, resident of Village- Akbarpur, P.S.- Asthawan, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar. Patna.
2. The Principal Secretary, Road Construction Department, govt. of Bihar Patna.
3. The Executive Engineer, Road Division Road Construction Department Bihar Sharif, Nalanda.
4. The Collector, Nalanda at Bihar Sharif.
5. The Land Acquisition Officer, Nalanda at Bihar Sharif.
6. The Duputy Collector Land Reforms, Bihar Sharif, Nalanda.



7. The Sub- Divisional Officer, Bihar Sharif, Nalanda.
8. The Circle Officer, Asthawan, Nalanda.
9. The Principal Secretary, RWD, Govt. of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Prasad, Advocate
For the Respondent/s	:	Mr. Subash Chandra Yadav, Advocate
For the State	:	Mr. Dhurjati Kumar Prasad, G.P-14

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

Date : 15-02-2023

Heard learned counsel for the petitioners, learned
counsel for the State.

The petitioners have filed the instant application for
the following relief(s):

*“i. For restraining the respondents for constructing
new road over the raiyati agriculture land of the
petitioners which is going to be start Without given
any notice to the petitioners and without starting any
process for acquisition under Bihar Land
Acquisition Act.*

*ii For direction the Respondents to make payment of
Compensation amount to the petitioners before
constructing road over the raiyati land of the
petitioners because the Respondents are going to
construct 20 fit wide new peach road from Soyvapara
to Katrisarai.*

*iii For other order/direction in the interest of justice
and ends of justice in the facts and circumstances of
the case.”*



As per the case of the petitioners, the respondents demarcated the lands of the petitioners for construction of pitch road from Soybapar to Katrisarai without starting any procedure for acquisition of the lands. Neither the petitioners were given any notice nor any compensation was paid. Hence, the writ application.

Several counter affidavits have been filed on behalf of the respondents in the instant application. In the counter affidavit filed on behalf of the respondent nos. 4 to 7 reference is made to the inquiry report dated 10.6.2019 submitted by the Revenue Karamchari according to which lands of only six persons of village- Akbarpur were mentioned in the lands acquired and from the said statement it transpires that the lands of petitioner nos. 2, 5, 8 and 12 are included. It is further stated that proper steps have been taken for acquisition of lands in accordance with law. Further in the counter affidavit filed on behalf of the Executive Engineer Road Division, Road Construction Department, Bihar Sharif, Nalanda (respondent no.3) copy of the letter bearing no. 2101 dated 3.9.2022 of the D.C.L.R, Bihar Sharif addressed to the District Magistrate, Nalanda has been given wherein details to some extent has been given as to which of the petitioners' lands are being acquired



and of whom lands are not being acquired. However, even in the said letter, with respect to a number of petitioners, the relevant columns have been left blank.

At this stage, it is submitted by learned counsel appearing for the petitioners that initially lands of all the petitioners were being acquired, however, subsequently there were some change in alignment of the road under construction. It is submitted that even as per the counter affidavits filed by the respondents, they have accepted about acquisition of lands of some of the petitioners.

Having heard learned counsel for the parties and taking into consideration the materials on record including the fact that there has been change in alignment of the road and it has categorically been stated by the respondents in paragraph no. 5 of the counter affidavit filed on behalf of the respondent nos. 4 to 7 that proper steps are being taken for acquisition of lands in accordance with law, the instant writ application is disposed of with a direction to those petitioners whose lands are proposed to be acquired to file appropriate application before the respondent no.3, the Executive Engineer, Road Division, Road Construction Department, Bihar Sharif, Nalanda and/or the respondent no.5, the Land Acquisition Officer, Nalanda at



Bihar Sharif for their remaining grievances including payment of the compensation amount for the land acquired.

If such an application is filed, the same shall be dealt in accordance with law and payments made without any delay.

This writ application stands disposed of.

(Partha Sarthy, J)

Avinash/-

AFR/NAFR	
CAV DATE	
Uploading Date	17.02.2023
Transmission Date	

