

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6307 of 2019

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Ram Sogarath Rai @ Sogarath Ray, Son of Late Ram Bharosh Rai, Resident of Village-Chandpur, P.O. Chanpur, District-Samastipur, Presently residing at Village-Hasanpur Jyned, P.S.-Mahnar District-Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Revenue Department Govt. of Bihar. Patna
2. The Secretary, Land Reform, Govt. of Bihar, Patna
3. The District Magistrate, Vaishali
4. The Sub-Divisional Officer, Vaishali
5. The Block Development Officer, Mahnar, District-Vaishali
6. The Circle Officer, Mahnar District- Vaishali
7. The Station House Officer, Police Station, Mahnar, Vaishali
8. Sabita Kumari, Wife of Sri Sudesh Singh Village- Hasanpur, P.S.- Mahnar, Dist.- Vaishali, Mukhiya, Hasanpur, Post- Hasanpur, Post- Hasanpur, North Panchayat Juned Vaishali.

... .. Respondent/s

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Appearance :

For The Petitioner/s	:	Mr. Sunil Kumar, Advocate Mr. Shankar Prasad Roy, Advocate Mr. Nagendra Kumar Singh, Advocate Mr. Dshirendra Kumar Trivedi, Advocate Mr. Bijay Kumar Pathak, Advocate Dr. Gayendra Prasad Singh, Advocate
For the Respondent/s	:	Mr. Sajid Salim Khan, SC-25

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

- 9 04-05-2023 1. Heard learned counsel for the parties.
2. The petitioner has filed the instant application for the following relief(s):-

“i. Construction of Road upon the Private Land of Khata No. 94 Khesra No. 3155 and Khata No. 113 Khesra No. 3154 of Mauza Hasanpur Juned, Anchal Mahnar District Vaishali which belongs to petitioner, may be stayed because there is no road in the map of



Survey Khatiyan of Mauza Hasanpur Juned.

ii. Respondent no. 4 i.e. the District magistrate Vaishali may be directed for inspection of the Construction side personally and if land is necessary for the construction of road, a land acquisition process may be initiated and an appropriate compensation may be given to the petitioner as per the present rate of the land.

iii. Any other relief/reliefs may be granted to the petitioner as per the law of the land.”

3. It is submitted by learned counsel for the petitioner that the subject matter of the dispute is the land of the petitioner measuring an area of 3 decimal appertaining to *Khata* no.94, *Khesra* no.3155 situated in *Mauza* Hasanpur Juned, P.S. and Anchal Mahnar, District-Vaishali which the petitioner purchased through a registered sale deed dated 11.12.1998. Also subject matter of the dispute is an area of 4 decimal of land appertaining to *Khata* no.133, *Khesra* no.3154 situated in *Mauza* Hasanpur Juned, P.S. and Anchal Mahnar in District-Vaishali purchased by the petitioner by a registered sale deed dated 10.1.2003.

4. Learned counsel for the petitioner submits that after the purchase, the name of the petitioner was mutated, the petitioner started to pay rent and was being granted rent receipt. Some of the rent receipt has been brought on record by way of illustration as annexure-3 to the petition. The land of the petitioner was forcibly utilized by the respondent authorities in



construction of the road, without having initiated any proceeding for acquisition of the land in accordance with law and without having paid any compensation for the same.

5. Learned counsel for the petitioner lastly submits that on inspection carried out by the Anchal Amin Mahnar, he submitted his report dated 29.6.2019 (Annexure-8 series) to the Circle Officer, Mahnar. From perusal of the same, it would transpire that the Anchal Amin found that the land of the petitioner has been utilized in construction of the road.

6. A counter affidavit has been filed on behalf of the respondent nos.3, 4, 5 and 6 sworn by the Circle Officer, Mahnar (respondent no.6). It has been stated therein that the road was constructed as far back as in the year 1999-2000 under the Jawahar Rojgar Yojana no.10 of 1999-2000. In the year 2016, the road was damaged due to flood and was constructed again. Although referring to the report of the Anchal Amin, Mahnar, it has been stated that part of the land of the petitioner has been utilized in construction of the road. It has further been stated by the respondents that the road was constructed with the consent of the villagers including the petitioner.

7. Having heard learned counsel for the parties and taking into consideration the material on record, from perusal of



the averments made in the writ application which have not been categorically denied by the respondents or in fact admitted, there remains no doubt that the land of the petitioner was utilized in construction of the road. The same is further confirmed from the report of the Anchal Amin, which has been referred to by the respondents also in their counter affidavit and in the statement of the respondents in the counter affidavit to the effect that there was no need of consent of the petitioner for construction of the said road. It is also not in dispute that neither any land acquisition proceeding was initiated nor any compensation has been paid to the petitioner.

8. In view of the facts and circumstances stated herein above, this writ application is allowed with the direction to the respondent authorities especially the District Magistrate, Vaishali (respondent no.3) to proceed with and initiate a proceeding with respect to acquisition of the land of the petitioner and to conclude the same within a period of six months from the date of communication/receipt of the copy of this order. The amount of compensation shall be paid to the petitioner within the aforesaid period.

9. The proceeding shall be carried out strictly in terms of the provisions of the Right to Fair Compensation and



Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and brought to its logical conclusion at the earliest preferably within a period of six months from today.

10. This writ application stands disposed of with the above observations and directions.

(Partha Sarthy, J)

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