

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9814 of 2020

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Fula Devi Wife of Ramjanma Sah, Resident of Village-Mesaudha, Ward No. 6, P.S.-Piprahi, District-Sheohar Petitioner

Versus

1. The State of Bihar through the Collector, Sheohar.
2. The S.D.O., Sheohar.
3. The Circle Officer, Piprahi, Sheohar.
4. The B.D.O., Piprahi, Sheohar.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Tiwary, Advocate
For the Respondent/s : Mr. Skubodh Kr.Mishra, AC to GP 14

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

10 05-12-2023 Heard learned counsel for the petitioner and the State.

2. Writ petition has been filed for a direction to the respondents to remove the encroachment/road from the raiyati land of the petitioner, as mentioned in paragraph 4 of the writ petition, pursuant to the Government's own decision as contained in Letter no. 180 dated 17.2.2020 and also to pay compensation for damages caused due to aforesaid encroachment.

3. Learned counsel for the petitioner submits that the raiyati land of the petitioner has been utilized in construction of road without following the procedure of acquisition and payment of compensation for the utilized land.

4. Learned counsel for the State by filing counter affidavit submits that that PCC road was constructed with the consent of the husband of the petitioner and his uncle in 2002-04. In support of the submission, copies of the order sheet of Scheme No.06 of 2003-04 and Scheme No. 06 of 2006-07 are appended as annexures B and B/1 series to the counter affidavit.



Learned counsel submits that erroneously after lapse of about 16 years, petitioner has disputed the acquisition of the land by suppressing this fact.

5. Having regard to the facts and circumstances of the case and in view of nature of controversy, I do not find any reason to pass any positive order.

6. However, if the petitioner has any grievance with respect to compensation, she may agitate the matter before the competent authority with all the relevant documents within a period of six weeks from today.

7. If such application is filed before the competent authority within the stipulated period, the same shall be disposed of in accordance with law after hearing the parties preferably within a period of six months thereof.

8. Writ petition stands disposed of.

(Prabhat Kumar Singh, J)

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