

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19560 of 2015

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1. Naresh Kumar Goyal
 2. Prakash Kumar Goul
Both sons of late Vishwanath Prasad Goyal Resident of Goyal Travels, Batta More, Tekari Road, P.S -Kotwali, District Gaya.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Collector, Gaya
2. The Deputy Development Commissioner, Gaya.
3. The Anchala Adhikari, Imamganj Anchal, District Gaya.
4. The Block Development Officer, Imamganj Block, District Gaya.
5. The Mukhiya, Raniganj, Imamganj Panchayat, District Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Arun Kumar Sinha, Advocate
For the Respondent/s	:	Mr. G.P. Ojha, GP-22
		Mr. Vishwa Ranjan Chaudhary, AC to G.P.24

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 21-09-2023 Heard learned counsel for the petitioners and learned counsel for the State.

2. The present writ petition has been filed for quashing or setting aside the proposal passed by Aam Sabha of Panchayat on 25.06.2001 of and also the proposal recommended on 13.12.2001. The further prayer has been made to quash the order dated 15.12.2001 passed by Mukhiya of Yojna No.1 of 2001-2002 and Yojana No.14 of 2005-2006 (contained in Annexures-1 and 2) whereby and whereunder the Panchayat Sachiv has constructed the road of brick soiling. The further



prayer has been made to direct the respondents to pay the compensation amount to the petitioners with penal interest.

3. Learned counsel for the petitioner submits that the Aam Sabha of the Panchayat has wrongly recommended and made proposal for construction of road on his raiyat land which was subsequently passed under Yojna No.1 of 2001-2002 and Yojna No.14 of 2005-2006. Learned counsel further submits that he has filed representation at various places and in this regard the Block Development Officer, Imamganj Block, has written a letter vide Annexure-9 to the District Land Acquisition Officer, Gaya, that petitioners' private land appertaining to Khata No.10, Plot No.534 and Khata No.30, Plot No.533 total 0.5 and half decimal has been taken on which construction of road has been made and requested to acquire the said land and make payment.

4. Learned counsel for the State submits that the initial prayer of the petitioners is not permissible as in the light of the said proposal Yojana-1 of 2001-2002 was prepared and the Yojana No.14 of 2005-2006 had already been implemented but so far as the payment of compensation and involvement of the petitioners' land in the construction of road is concerned, counter affidavit has been filed in which denial has been made



that petitioners' land has been taken in construction of road.

5. For the arguments made and the pleading it transpires that on the representation filed by the petitioners no decision has been taken in presence of the petitioners nor any communication has been made to them.

6. In this view of the matter, this writ petition is disposed of directing the petitioners to file fresh representation before the Land Acquisition Officer, Gaya, with all the documents relating to entitlement of his land and the Land Acquisition Officer after holding enquiry on the basis of the measurement in presence of the petitioners shall decide whether the petitioners' land has been taken for the purpose of construction of road or not. If it has been found that their raiyati land has been taken for the purpose construction of road, in that case the process of acquisition shall be started and appropriate compensation has been directed to be made in accordance with law.

(Dr. Anshuman, J)

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