

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6870 of 2023

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Taluk Raj Devi W/o Kameshwar Singh Resident of Village-Karma Misir, P.O.
Sundarganj, P.S. Risiup Block-Barun, District-Aurangabad, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Revenue and Land Reforms, Govt. of Bihar, Patna.
3. The Collector, Aurangabad, Bihar.
4. The Sub-Divisional Officer, Aurangabad, Bihar.
5. The Deputy Collector, Land Reforms, Aurangabad, Bihar.
6. The Circle Officer, Barun, Block-Barun, District-Aurangabad, Bihar.
7. The Manager, National Highway Authority of India.
8. The Project Director, National Highway Authority of India, Sasaram.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sumeet Kumar Singh, Adv.
	:	Mr. Amrendra Kumar Singh, Adv.
	:	Mrs. Kumari Chandra, Adv.
	:	Mr. Shivam Singh, Adv.
For the State	:	Mr. Raj Kishore Roy, GP-18.
For the NHAI	:	Mr. Sriram Krishna, Adv.
	:	Mr. Amarjeet, Adv.
	:	Mr. Prabhat Kumar Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 21-09-2023 Heard learned counsel for the petitioner, learned

counsel for the State and learned counsel for the National

Highways Authority of India.

2. The present writ petition has been filed for setting

aside the notice issued by Competent Authority-cum-Deputy

Collector, Land Reforms, Aurangabad in Case

No.02(xvii)Structure/ 2014-15/Supl by which compensation for

acquisition of only the constructed area has been ordered to be paid to the petitioner.

3. Learned counsel for the petitioner submits that the purchased land of petitioner on which she had constructed the house was subject to acquisition for construction of National Highway No.2. He further submits that the Competent Authority-cum-Deputy Collector, Land Reforms, Aurangabad is paying compensation only for acquisition of constructed area/ house but is not making payment of the land. He also submits that the price of the house is also not properly calculated, in this regard he has attached the copy of sale deed, rent receipt and the MVR price of the area.

4. Learned counsel for the National Highways Authority of India submits that the notice issued by the Competent Authority-cum-Deputy Collector, Land Reforms, Aurangabad is annexed as Annexure No.3 of the writ petition, according to which it has been indicated that the price of the house has only been calculated as the said building has been constructed on the Government land.

5. In this view of the matter, petitioner is directed to file an application before the Competent Authority-cum-Deputy Collector, Land Reforms, Aurangabad within four weeks from

today. The Competent Authority-cum-Deputy Collector, Land Reforms, Aurangabad is directed to look after entire documents of petitioner in relation to title of the land and proof of possession. He is also directed to pass a reasoned and speaking order on the representation of petitioner after looking the different Circulars issued by the Government time to time under which a person can acquire the Raiyati right on the lands within eight weeks from the date of appearance of all concerned.

6. In case, if the order has been passed in favour of petitioner, then the fresh/reassessment of the compensation amount shall be made and payment shall also be made in accordance with law within further ten weeks, but in case if it has been decided against the petitioner then petitioner shall be at liberty to move before the Competent Authority for declaration of right, title and possession in her favour for the land.

7. With this direction, the present Writ Petition stands disposed off.

(Dr. Anshuman, J.)

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