

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7105 of 2016

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Deepak Kumar son of Late Ramadhar Rai, resident of Village and Post Office
- Andhari, Police Station - Chauri, District - Bhojpur.

... .. Petitioner/s

Versus

1. The State Of Bihar through the District Magistrate, Bhojpur at Ara
2. The District Magistrate, Bhojpur at Ara.
3. The Chief Medical Officer, Bhojpur at Ara.
4. The Medical Officer, Primary Health Centre, Sahar, Police Station - Sahar,
District - Bhojpur.
5. The Superintending Engineer, Building Construction Department, Building
Circle, Ara, District – Bhojpur at Ara.
6. The Executive Engineer, Building Division, Ara, District - Bhojpur at Ara.
7. The Circle Officer, Block - Sahar, Police Station - Sahar, District - Bhojpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Arun Kumar Singh, Advocate
For the Respondent/s : Mr.- Raju Giri, GP-30

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

6 21-06-2023 The present writ petition has been filed

 seeking the following relief:-

"That this is an application for
issuance of an appropriate writ(s)/
order(s), commanding the respondents
either to remove construction already
made over the petitioner's land or to
compensate appropriately in view of
the fact that the construction has been
made by way of encroachment without
following the due procedure of law."



The learned counsel for the respondent-State has referred to the counter affidavit filed by the District Magistrate, Bhojpur at Ara to submit that it is an admitted position that the land in question over which the Sub-Health Centre, Sahar is running, is registered in the name of the petitioner in Register-II under Jamabandi No.69/6 vide Jamabandi Case No.1298/2007-08, however, upon inquiry from the villagers, it has transpired that the father of the petitioner had donated the said land orally for construction of Sub-Health Centre, nonetheless, it has not been denied that in case any private land is used for the purposes of construction of government building, compensation is required to be paid.

In view of the aforesaid, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to approach the District Magistrate, Bhojpur at Ara for grant of compensation for the aforesaid land in question, i.e. one appertaining to Mauza-Andhari, Thana-423, Khata-235, Kesara-1863, admeasuring 14 decimals and in case



appropriate representation is made, within a period of ten weeks from today, the District Magistrate, Bhojpur shall assess the amount of compensation and pay the same, within a period of eight weeks, thereafter.

The writ petition stands disposed of on the aforesaid terms.

(Mohit Kumar Shah, J)

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