

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15418 of 2018

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Ram Ishwar Bind Son of Late Karu Bind resident of Village - Vishunpur,
Police Station - Hulasganj, District - Nalanda.

... .. Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary Department of Water Resources Irrigation, Govt. of Bihar, Patna.
2. The Commissioner-cum-Secretary, Water Resources Irrigation Department, Govt. of Bihar, Patna.
3. The Deputy Secretary, Water Resources Irrigation Department, Govt. of Bihar, Patna.
4. Commissioner, Magadh Division, Gaya.
5. The District Magistrate, Gaya.
6. Executive Engineer, Water Resources Irrigation Department, Jehanabad.
7. Sub Divisional Officer, Jehanabad.
8. Circle Officer, Hulasganj, Nalanda.
9. Junior Engineer, Water Resources Islampur, Nalanda.
10. Circle Inspector, Hulasganj, Nalanda.
11. The Principal Secretary, Rural Works Department Government of Bihar, Patna.
12. The District Land Acquisition Officer, Jehanabad

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kumar Ranjit Ranjan, Advocate
For the Respondent/s : Mr. Vijay Kumar Verma, AC to GA 2

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

Date : 06-04-2023

As prayed by learned counsel for the petitioner,



the District Land Acquisition Officer, Jehanabad is added as party respondent no. 12 in the instant writ application.

Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner initially filed the instant application for the following reliefs:-

“(1) That this writ petition is being filed in the nature of Mandamus for direction to the Respondents to remove the road from the land possession of the petitioner which is situated his own Raiyati land bearing its Village- Kokarsa, Thana No. 683, Khata No.331, Plot No. 512 Rakawa 0.45

(II) Pass such any order/orders may deem fit and proper in the circumstances of this case which is based on fact.

In course of hearing of the writ application various counter affidavits were filed. A counter affidavit filed on behalf of the respondents sworn by the Executive Engineer, Flood Control and Drainage Division, Ekangarsarai stated in paragraph no. 7 thereof that the petitioner's land is 86 feet x 18 feet and out of that PCC road has been constructed 10 feet wide and 86 feet in length by the Rural Works Department. Noting the said statement in the counter affidavit, this Court by order



dated 14.2.2023 directed the Principal Secretary, Rural Works Department, Government of Bihar, Patna to be added as respondent no. 11 in the instant application and ordered that he should file a counter affidavit in the case.

Pursuant thereto a supplementary counter affidavit has been filed on behalf of the Secretary, Rural Works Department, Government of Bihar, Patna. Relevant paragraph nos. 5 to 12 of the counter affidavit are quoted hereinbelow for ready reference:-

“5). That it would be relevant to mention here that the present respondent also perused the counter affidavit filed on behalf of the Water Resources Department wherein it has been averred that the Circle Inspector, Hulashganj has issued a letter dated 24.12.2011 reported that the 10 feet wide PCC road has been constructed on the petitioner's plot by the Rural Works Department, It has not been constructed by the Water Ways Division, Jehanabad.

6) That in view of the aforesaid statement of the Water Resources Department the Executive Engineer, Rural Works Department, Works Division, Jehanabad vide his letter No. - 373 dated 16.02.2023 has made request to the Circle Officer, Hulashganj to get the land in question measured and submit the measurement report thereof in order to ascertain as to whether the land of the petitioner has been used in construction of the government road or



not.

A Photo copy of the letter No. 373 dated 16.02.2023 is annexed herewith and marked as Annexure-A to this supplementary Affidavit. Counter Affidavit.

7) That in turn to the aforesaid letter the Circle Officer, Hulashganj vide his letter No.-231 dated 22.02.2023 sent the measurement report alongwith trace map on perusal 1.3787 Decimal of land of the petitioner comes under the alignment of the road in question.

A Photo copy of letter No.-231 dated- 22.02.2023 along with measurement report is annexed marked herewith as and Annexure-B to this Supplementary Counter Affidavit.

8) That soon after receipt report the of the aforesaid report the Executive Engineer, Rural Works Department, Works Division, Jehaband vide his letter No.-422 dated 22.02.2023 has made request to the District Land Acquisition Officer, Jehanabad to determine the rate of the land in question so that the process may be initiated for making payment of compensation amount if any found to be payable to the petitioner.

A Photo copy of letter No.-422 dated-22.02.2023 along with measurement report is annexed herewith and marked as Annexure -C to this supplementary



Counter Affidavit.

9) *That in turn to the aforesaid letter the District Land Acquisition Officer, Jehanabad vide his letter No. 406 dated-25.02.2023 made request to the Executive Engineer, Rural Works Department, Works Division, Jehanabad, Jehanabad to sent the the requisition in appropriate proforma to District Magistrate, Jehabanad.*

A Photo copy of letter No.-406 dated- 25.02.2023 along with measurement report is annexed herewith and marked as Annexure-D to this counter Affidavit.

10) *That pursuant to the aforesaid letter the Executive Engineer, Rural Works Department, Works Division, Jehanabad vide his letter No. 637 dated 17.03.2023 made request to the District Magistrate, Jehanabad to get the valuation report prepared of the raiyati land in question of the the petitioner so that the compensation amount may be paid to the petitioner.*

A Photo copy of the letter No.-637 dated- 17.03.2023 is annexed herewith and marked as Annexure -E to this supplementary counter Affidavit.

11) *That the valuation report has not yet been made available by the District Magistrate, Jehanabad to the Office of the Executive Engineer, Rural Works Department, Works Division,*



Jehanabad. As soon as the same will be available further necessary action in accordance with law will be taken for payment of compensation.

12) That in the facts and circumstances stated hereinabove it is very humbly submitted that the present respondent has already taken steps for redressal of the grievance of the petitioner. Hence the order dated 13.03.2023 passed in CWJC No.-15418 of 2018 has already been complied with at the end of the Respondent No. 11.”

In view of the above there remains no doubt that the land in question of the petitioner measuring 1.3787 decimal, as stated in paragraph no. 7 has come under the alignment of road and steps are required to be taken by the respondents for acquisition of the said land in accordance with law and payment of compensation.

Having heard learned counsel for the parties and taking into consideration the stand of the respondents as reflected from the counter affidavit, portion of which has been quoted hereinabove, this writ application is disposed of directing the respondent authorities specially the District Land Acquisition Officer, Jehanabad to proceed with the acquisition of the land of the petitioner in question without any delay and to pay the compensation at the earliest, preferably within a period of six months.



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

(Partha Sarthy, J)

Spd/-

AFR/NAFR	
CAV DATE	
Uploading Date	11.04.2023
Transmission Date	

