

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1679 of 2018

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Baij Nath Baitha Son of Late Bipat Baitha, Resident of Village - Imamganj,
P.O. Shankarpur, Police Station - Khiri More (Paliganj), District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Rural Works Department,
Govt. of Bihar, Patna.
2. The District Magistrate, Patna.
3. Sub-Divisional Officer, Paliganj, District-Patna.
4. The Chief Engineer Rural Works Department, Patna.
5. The Executive Engineer Rural Works Department, Patna.
6. The District Land Acquisition Officer, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Prasad Singh, Advocate
For the Respondent/s : Mr. Kameshwar Prasad Gupta, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

8 07-04-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner has filed the instant application for the
following reliefs:

*“1. That this is an application for issuance of an
appropriate writ or writs directing the respondents
not to construct the public road over the Raiyati land
of petitioner without acquiring the same as per the
provisions laid down under the land acquisition Act
and respondents my be restrained for making
construction over the land in question till the
disposal of present writ application and or to grant
any other relief or reliefs for which petitioner is
legally entitled in the facts and circumstances of the*



case.”

At the outset learned counsel for the respondent refers to letter dated 24.2.2023 (Annexure-C) to the supplementary counter affidavit of respondent nos. 2, 3 and 6 to submit that the same has been written by the District Land Acquisition Officer, Patna to the Executive Engineer, Rural Works Department, Works Division, Patna stating therein that the total compensation has been computed to the tune of Rs.2,64,960/ and steps for payment have been taken. Further, learned counsel for the State files physical copy of the supplementary counter affidavit on behalf of the Rural Works Department, Government of Bihar, a copy of which has been served on learned counsel for the petitioner. The said supplementary counter affidavit is taken on record. Paragraph no.7 of the said counter affidavit is reproduced hereinbelow for ready reference:

“7. That soon after receipt of the aforesaid allotment the Executive Engineer, Rural Works Department, Works Division, Patna vide his letter No.-001 dated-05.04.2023 issued sanctioned order in favour of the petitioner and sent the same to the Senior Treasury officer, Nirman Bhawan for making payment of the compensation amount to the petitioner”.

In view of the above statement made in paragraph no.7 of the counter affidavit quoted hereinabove according to which the sanction order in favour of the petitioner has been



sent to the Senior Treasury Officer, Nirman Bhawan for payment of the compensation amount to the tune of Rs.2,64,960/- the instant writ application is disposed of giving liberty to the petitioner to file his objection etc. to the calculation of the quantum of compensation paid/payable to the petitioner as provided under law.

In case, any objection etc. is filed on behalf of the petitioner, the respondents will proceed and decide the same in accordance with law.

The application stands disposed of.

(Partha Sarthy, J)

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