

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.477 of 2023

Sanjay Kumar, son of Late Nand Kishore Prasad, Resident of Road No. 13(c),
Rajendra Nagar, Near Bahadurpur Gumti, P.S.-Bahadurpur, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat, Patna.
2. The Principal Secretary, Department of Home, Government of Bihar, Patna.
3. The Director General of Police, Government of Bihar, Patna.
4. The Managing Director, Bihar State Bridge Construction Corporation Limited, Karya Pramandal No. 1, 7 Sardar Patel Marg, Patna.
5. The Engineer in Chief, Bihar State Bridge Construction Corporation Limited, Karya Pramandal No. 1, 7 Sardar Patel Marg, Patna.
6. The Variya Priyोजना Engineer, Bihar State Bridge Construction Corporation Limited, Karya Pramandal No. 1, 7 Sardar Patel Marg, Patna.
7. The District Magistrate cum Collector, Patna.
8. The Superintendent of Police, Patna.
9. The Executive Engineer, Bihar, Bihar State Bridge Construction Corporation Limited, Patna.
10. The District Land Acquisition Officer, Patna.
11. The Circle Officer, Bakhtiyarpur, District Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Bhairaw Nand Sharma, Advocate Mr. Sushil Kumar, Advocate
For the State	:	Mr. Mankeshwar Tiwari, AC to AAG-3
For BSBCCCL	:	Mr. Rabindra Kumar Priyadarshi, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 21-06-2023

Heard learned counsel for the petitioner, learned
counsel for the State and learned counsel for the Bihar State
Bridge Construction Corporation Limited.



2. The present application has been filed for a direction to the respondents to pay the compensation with interest for the raiyati land of the petitioner bearing Khata No. 180, Kheshra No. 429, Area-10 decimal and Khata No.184, Plot No. 427 area 7 decimal, Tauzi No. 8770/8971, Thana No. 270 situated at Mauza -Bishunpur Malchak, Block -Belchhi, District -Patna.

3. Learned counsel for the petitioner submits that in the year 2007, a tender was invited by respondent No.6, namely, the Variya Pariyojana Engineer, Bihar State Bridge Construction Corporation Limited, Patna for the construction of several bridges in the State of Bihar including the bridge on Mohane River for connecting between Murtajapur and Jafarpur situated at Belchhi Block of Patna district. He further submits that the approaching road was constructed after the construction of the bridge in which the petitioner's land was utilized by respondent Nos. 4 to 6, but no compensation has been paid to him for his land. He further submits that he has filed representation in the office of respondent No.10, namely, the District Land Acquisition Officer, Patna, but no action has been taken till date.

3.1.Learned counsel relied upon a judgment decided by this Court on 16.11.2016 passed in CWJC No. 11404



of 2016 (Annexure -3 to the writ petition) wherein it is observed that if the land has been utilized for the purpose of construction of a road then the government has two options. First, acquire the land in accordance with law and grant compensation and, second, take steps for removal of that part of the road which has been constructed on the land in question.

4. Learned counsel for the State has not filed any counter affidavit.

5. Learned counsel who appears on behalf of respondent Nos. 4 to 6 submits that in the Gramin Saraka Yojna, there were no provisions for the acquisition of land. If the assertion of the petitioner is found to be correct, then measurement of the said land on the spot is required and only thereafter, proper steps may be taken.

6. In the light of the submissions made above, this Court directs the petitioner to file a fresh representation before respondent No.7, namely, the District Magistrate -cum- Collector, Patna who shall take steps in this regard and shall also ascertain the claim of the petitioner whether the road has been constructed on his land without the consent or acquisition and will take appropriate steps within six months from the date of filing of the representation.



7. With the above observation and direction, the writ petition stands disposed of.

(Dr. Anshuman, J)

Ashwini/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.06.2023
Transmission Date	NA

