

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.366 of 2023

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Saraswati Devi @ Saraswati Kunwar, W/o Late Chandrama Prasad, R/o Village and P.O. and P.S.-Goria Kothi, District- Siwan

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Road Construction Department, Bihar, Patna
2. The District Magistrate-cum-Collector, District - Siwan, Bihar
3. The Executive Engineer. Road Construction Department, Road Division, Siwan
4. The District Land Acquisition Officer, Siwan
5. The Circle Officer, Goria Kothi, Siwan

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Dharendra Singh, Adv.
For the Respondent/s	:	Mr. Manoj Kumar Ambastha, (Sc-26)
		Mr. Santosh Kumar Mishra, (Ac to Sc-26)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 20-06-2023

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

2. The present writ petition has been filed for directing the respondent to make payment of compensation to the petitioner in lieu of his land measuring 14 Dhur situated in Mauza Goria Kothi, District- Siwan pertaining to Khata No. 58 and 264, Thana No. 67, Survey Plot No. 1429 and 1437 for the purpose of widening the road from Saraiya to Gorai Kothi, Siwan.

3. Learned counsel for the petitioner submits that

the petitioner is entitled for compensation according to the prevailing area under Section 26(A) of the Right to Fair Compensation and Transparency of Land Acquisition Rehabilitation and Resettlement (Amendment) Act, 2013. Counsel submits that the *rayati* land of the petitioner has been taken forcibly and road has been constructed. He has filed protest petition and in this regard, made representations also vide Annexure- 4, 5 & 6 but nothing happened.

4. Learned counsel for the State submits that from the annexures, it transpires that the said representations were not filed before the Competent Authority, who is the Collector of the District and those representations are meaningless at present and, therefore, he submits that the petitioner may be directed to file his proper representation before the Competent Authority.

5. In this background, the petitioner is directed to represent before the District Magistrate-cum-Collector, District-Siwan, Bihar for his grievances with all details including the documents of the land alleged to be taken by the respondent for construction of road within four weeks' from today.

6. The District Magistrate-cum-Collector, District-Siwan, Bihar is directed to pass appropriate order if, reached on the conclusion that land of the petitioner has been taken for the

purpose of construction of land within eight weeks’ thereafter, so that the benefit to the petitioner may be granted within a specified period of time.

7. With this observation, the present writ petition stands disposed off.

(Dr. Anshuman, J.)

sadique/-

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CAV DATE	
Uploading Date	
Transmission Date	