

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4437 of 2021

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KRISHNA NANDAN PRASAD son of late Prayag Prasad alias Prayag Mahto resident of Village- Utarthu, P.O. Utarthu, Police Station- Bind, District- Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Rural Works Department, Government of Bihar, Old Secretariat, Patna
2. Chief Engineer, Rural Works Department, Govt. of Bihar, Old Secretariat, Patna
3. Collector of the District/ District Magistrate Nalanda
4. Executive Engineer, Rural Works Department, Sub Divisional Office, Bihar Sharif, Nalanda
5. Assistant Engineer-cum-sub Divisional Officer, Rural works Department, Sub Divisional Office, Bihar Sharif, Nalanda
6. Rajnish Kumar Singh, Contractor, resident of mohalla- Garhpar, near Kumar Cinema, Bihar Sharif, P.S.- Bihar Sharif, District- Nalanda, Pin Code- 803101, Mob No. 9470076166

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar, Advocate
For the Respondent/s : Mr.A.G.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL JUDGMENT

Date : 03-09-2024

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

2. This writ application has been filed for the following reliefs:

(I) To issuance of Writ, Order or Direction in the nature of Certiorari/Mandamus, commanding and directing the respondents to pay altogether Rs.20,00,000/- (Rupees twenty lacs only) to the petitioner for acquisition of his raiyati land as per the



provisions laid down in The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, calculating as Rs.8,10,000/-(Rupees eight lacs ten thousand only) in shape of compensation (four times of market value and the market valued is Rs.15,000/-per decimals) for the land measuring 13% decimals bearing Khata no.172, Plot no.3739 situated at village-Utarthu, Block Bind, P.S. Bind, District Nalanda, which has been acquired by the respondents and a road has been constructed thereupon without consent, permission and knowledge of the petitioner plus Rs.8,10,000/-(Rupees eight lacs ten thousand only) by way of 100% (hundred percent) soletium for the above said acquired/used land of the petitioner plus Rs.3,29,000/- for compensation of soil of the land if any, which were used in filled up and strengthening the road by digging the said land up to 6 feet deep causing injury/damage the remaining portion if any plus Rs.51,000/- (Rupees fifty one thousand only) for diminution of crops for last four years. Total comes to Rs.20,00,000/- (Rupees twenty lakhs only);

(II) To pass such other order or orders as to you Lordships may deem fit and proper.



3. Learned counsel for the petitioner submits that the land of the petitioner, without acquiring, has been taken by the respondents for construction of road.

4. Vide order dated 16.07.2024, this Court has directed the respondent No.3, the District Magistrate, Nalanda to examine the matter and submit a report within a period of two weeks. Pursuant to the direction of this Court, the respondent No.3 has filed counter affidavit stating therein that an enquiry was made by the team in presence of the petitioner and his private Amin, namely, Sanjay Kumar on 09.08.2024. The measurement report was submitted by the Circle Officer, Bind vide letter No.833 dated 13.08.2024 mentioning therein that area of the land in question is 20 decimal as per Khatiyani, whereas it's area is 17.91 decimal as per survey Naksha and it is categorically stated in the report submitted by the Circle Officer that no part of the land in question is used in construction of road and this fact has been admitted by the petitioner and in support of that he puts his signature on the measurement report prepared by the Anchal Amin at the time of measurement of the land in question.

5. The joint enquiry report submitted by the enquiry team vide letter No.1497 dated 13.08.2024 issued under the signature of the District Land Acquisition Officer, Nalanda



suggests that the road was found much old and only repairing work was done over the old road and no part of the land in question is used in construction of the road.

6. In view of the categorical stand and the enquiry report submitted by the concerned respondent, no case is made out for interference.

7. Accordingly, this writ application stands dismissed.

(Rajesh Kumar Verma, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.09.2024
Transmission Date	NA

