

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1760 of 2024

Dr Nasima Hasan Wife of Dr. Mehdi Hasan, Resident of Village-Nayagaon,
P.S.-Sheympur Bhatahan, District-Sheohar presently residing at Ward NO. 9,
Thana Road, P.S. and District-Sheohar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Land Reforms Department, Government of Bihar, Patna.
2. The District Magistrate, Sheohar.
3. The Additioanl Collector, Sheohar, District-Sheohar.
4. The Land Acquisition Officer, Sheohar.
5. The Executive Engineer, Road Construction Department, Sheohar.
6. The Sub Divisional Officer, Sheohar.
7. The Anchal Adhikari, Dumri Katsari Anchal, District-Sheohar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Md. Anisur Rahman, Advocate
For the Respondent/s : Mr.Government Pleader (7)

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 14-05-2024 Heard Md. Anisur Rahman, learned counsel for the

petitioner and Mrs. Manisha Singh, learned SC to GP-7.

2. The petitioner has prayed for the following reliefs:

*(i) for issuance of appropriate writ/
order commanding the respondents
to make compensation amount of
the Land of the petitioner on which
the Respondents have constructed
road under Mukhya Mantri
Gramin Sadak Nirman Yojana on*



*the raiyati land of the petitioner
detailed in paragraph no.4 to this
writ application;*

*(ii) for issuance of appropriate
writ/ order or direction
commanding the respondents to
make payment of appropriate
compensation to the petitioner for
the loss sustained by her for illegal
construction of road on the Raiyati
land of the petitioner as well as
mental agony sustained by her;*

*(iii) for any other relief or reliefs
for which the petitioner is found
entitled in the opinion of this
Hon'ble court.*

3. The lady, an aged person, has to knock the door of this Court only because her exclusive and peaceful possession of the land in question has been disturbed by the respondents by making construction under Mukhya Mantri Gramin Sadak Nirman Yojana (for short 'the Yojana'), if her contention is to be believed. She claims that despite the Anchal Amin of Dumri



Katsari, Circle Officer, Sheohar submitting a report, the respondents are not caring in the matter forcing her to approach the Court.

4. This writ petition was filed in the month of January, 2024 and the learned State Counsel submitted that letter no. 2076 dated 22.1.2024 was immediately sent to the concerned respondent to take steps for filing counter affidavit but till date, no facts has come.

5. Instead of asking the State to file counter affidavit, it would be appropriate that the writ petition is disposed of with the following directions:

(i) the petitioner to submit a petition alongwith relevant documents before the District Magistrate cum Collector, Sheohar within four weeks;

(ii) the Collector, Sheohar to constitute a Committee comprising the Additional Collector, the District Land Acquisition Officer, Sheohar, the D.C.L.R., Sadar, Sheohar, the Circle Officer, Dumri Katsari and the Executive Engineer, Road Constructions Department,



Sheohar with a direction to submit a report within the time frame of four weeks.

6. If the contention of the petitioner that her land has been taken under 'the Scheme', to take immediate steps for paying compensation after categorizing the land under appropriate head. The payment shall be cleared within three months from the date the Committee gives report that the land of the petitioner has been used.

7. Failure to do so, the petitioner will be entitled to have 6 % interest after three months till the actual payment is made.

8. The writ petition stands disposed of.

(Rajiv Roy, J)

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