

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3891 of 2020

=====

Anil Kumar S/o Ramkeshwar Prasad Resident of Village and P.O.-Dariyapur,
P.S.-Islampur, District-Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Revenue and Land Reforms,
Government of Bihar, Patna.
3. The Collector, Nalanda at Biharsharif.
4. The Deputy Collector Land Reforms, Hilsa, District-Nalanda.
5. The Sub-Divisional Officer, Hilsa, District-Nalanda.
6. The Block development Officer, Islampur, District-Nalanda.
7. The Circle Officer, Islampur, District-Nalanda.
8. Smt. Pinki Devi W/o Anuj Kumar Mukhiya, Gram Panchayat- Muzaffara,
Village-Ratanpura, P.O.-Dariyapur, P.S.-Islampur, District-Nalanda.
9. Smt. Sujata Devi W/o Rajeev KUMar, Ward Member of Ward No.-08, Gram
Panchayat-Muzaffara, Village-Dariyapur, P.O.-Dariyapur, P.S.-Islampur,
District-Nalanda.
10. The Executive Engineer, Local Area Engineering Organization, Work
Division-01, Biharsharif, Nalanda.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Dhirendra Kumar Jha, Advocate
For the Respondent/s : Mr.Raj Kishore Roy, GP-18

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

6 15-03-2024 Learned counsel for th petitioner prays for and is

allowed to implead the Local Area Engineering Organization,

Works Division-1, Biharsharif, Nalanda as party respondent

no.10 in course of the day.

2. Heard the parties.

3. The petitioner has prayed for the following reliefs:



(i) for directing the respondent authorities not to construct a Pakka road (pitch road) which is being constructed and going through the raiyati land of the petitioner, without acquiring the same;

(ii) for also directing the respondents to pay an adequate amount of compensation for the damage already done to the raiyati land of the petitioner for the action of the respondents;

(iii) for any other relief or reliefs for which the petitioner may be found entitled in the facts and circumstances of the case.

4. A counter affidavit on behalf of the respondent nos. 3 to 5 duly signed by Circle Officer, Islampur, Nalanda is on record and para-7 read as follows:

"7. That it is pertinent to mention here that in the light of the present writ petition the land in question has been again measured by the Anchal Amin and as per measurement report dated 02.05.2023 an area of 3.56



decimal land of Plot no. 246 has been utilized in construction of the P.C.C. road. Thereupon, the Block Panchayati Raj Officer, Islampur was directed either to remove the construction made over the Raiyati land of the petitioner or to compensate him vide letter no.1499 dated 13.6.2023 issued by the Circle Officer, Islampur. Subsequently, after coming to know that the road in issued has been constructed by the Agency L.A.E.O., Work Division-01, Biharsharif and therefore vide letter no. 326, dated 29.01.2024 issued by the respondent Circle Officer, Islampur made request to the Executive Engineer, L.A.E.O., Work Division-01, Biharsharif either to compensate or make the land in question in it's original



*condition, which has been utilized
in construction of the road".*

5. Upon query, the learned State counsel is unable to submit whether any communication was made with the newly added respondent or not and/or whether he has taken a decision in the matter or not.

6. Now that the affidavit of the Circle Officer, Islampur is clear that the Raiyati land of the petitioner to the tune of 3.56 decimals in Plot No. 246 has been used for construction of the P.C.C. road, the petitioner is certainly entitled for the compensation. In that background, as there is no affidavit on behalf of the Executive Engineer, it would be appropriate that the writ petition is disposed of with a direction to the newly added respondent no.10, the Executive Engineer, Local Area Engineering Organization, Work Division-01 Biharsharif, Nalanda to take immediate decision and/or compensate the petitioner inasmuch as;

- (i) the decision has to be taken within a period of three months from the receipt of the copy of the order alongwith representation of the petitioner;
- (ii) once the decision is taken,



compensation amount has to be released in
favour of the petitioner after ascertaining
his bonafide within next three months.

7. The writ petition stands disposed of.

(Rajiv Roy, J)

Ravi/-

U			
---	--	--	--

