

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1902 of 2022

Akhilesh Kumar Son of Shri Siddhanath Prasad Resident of Village and P.O.-
Karu Bigaha, Block and Subdivision- Neemchak Bathani, District- Gaya.
Presently residing at Mohalla- Gandhi Nagar, Ram Chandrapur, P.O. Bihar
Sharif, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Road Construction Department, Govt. of Bihar, Patna, Bihar.
2. The Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna, Bihar.
3. The Collector, Gaya District.
4. District Land Acquisition Officer, Gaya District.
5. Ajay Kumar Azad Son of not known presently posted as Executive Engineer, Road Construction Department, Delha, Tekari Road, Jagdev Nagar, Kharkhura, District- Gaya, Bihar.
6. Executive Engineer, Road Construction Department, Delha, Tekari Road, Jagdev Nagar, Kharkhura, District- Gaya, Bihar.
7. Roop Narayan Sharma Son of not known presently posted as S.D.O.-cum-Assistant Engineer, Road Construction Department, Delha, Tekari Road, Jagdev Nagar, Kharkhura, District- Gaya, Bihar.
8. S.D.O.-cum-Assistant Engineer, Road Construction Department, Delha, Tekari Road, Jagdev Nagar, Kharkhura, District- Gaya, Bihar.
9. Ram Pravesh Paswan Son of not known presently posted as Junior Engineer, Road Construction Department, Delha, Tekari Road, Jagdev Nagar, Kharkhura, District- Gaya, Bihar.
10. Junior Engineer, Road Construction Department, Delha, Tekari Road, Jagdev Nagar, Kharkhura, District- Gaya, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Abhijeet Abhigyan, Advocate Mr. Purnendu Keshav, Advocate
For the Respondent/s	:	Mr. Sajid Salim Khan, S.C.-25

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 22-03-2024 Heard the parties.

2. The present petition has been preferred for the
following reliefs:-



(i) for issuance of a writ in the nature of Mandamus or any other appropriate writ or writs, order or orders directing the respondent authorities to ascertain, fix and award an adequate amount of compensation to the petitioner for the forcible and unlawful acquisition of the Commercial Land (Main Road) belonging to the petitioner admeasuring 10.06 (six) decimals situated alongside Main Road- Karu Bigaha Market in Gaya District by the respondent authorities for the purpose of constructing a concrete bridge and broadening of road as per prevailing fair market value for the category of Commercial Land (Main Road) in the concerned area, which comes to approx. Rs. 2,50,000/- per decimal at least;

(ii) the respondent authorities be directed to pay / award the compensation as per the provisions of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 which includes the calculation in terms of Factor of



Multiplication, Solatium and Interest as well in case of delayed payment, as such, the award of compensation should roughly come to a sum of Rs.60,00,000.00 (Its Sixty Lacs) at least, apart from the additional amount of interest 12 % applicable in the instant case as per law;

(iii) the respondent authorities be directed to vacate petitioner's land by demolishing the concrete structure (bridge) forcibly built thereupon as well as by vacating the land acquired for broadening of road;

(iv) the respondents be directed to pay an additional sum of Rs.5,00,000/- for the mental agony and harassment caused as well as for the pecuniary loss incurred on account of the damage inflicted on the crop standing in petitioner's field including the cost of litigation in the interest of justice!

3. Learned Counsel for the petitioner submits that the respondents without compensating him has illegally taken over the land for road purpose. It is his contention that the land was purchased by his father, Bakhori Siddhanath Prasad through



valid sale deed but without any compensation. After the representation sent by him to different authorities including the office of Hon'ble the Chief Minister, Bihar, the Circle Officer, Neemchak Bathani, Gaya enquired into it and submitted his report to the Executive Engineer, Road Division No.-1, Gaya.

4. Though counter affidavit is not on record, the statement of facts on behalf of respondent nos. 1 to 5 has been received by the office of S.C.-25 and as per paragraph nos.- 9, 10 and 11, on the basis of the report of the Circle Officer, the respondents will be taking up necessary steps.

5. Learned Counsel for the petitioner in that backdrop submits that he will be preferring a proper representation before the District Land Acquisition Officer, Gaya (respondent no. 4) along with all the relevant documents so that he is able to take steps in accordance with law for passing an order for payment of compensation.

6. Learned State Counsel has no objection to it.

7. In that view of the matter, the writ petition in the aforesaid facts and circumstances is disposed of allowing the petitioner to file comprehensive representation before the concerned respondent no. 4 within a period of four weeks from today.



8. In case, such representation is filed, the respondent no. 4, District Land Acquisition Officer, Gaya is duty bound to take up the matter and conclude the enquiry and pass an appropriate order in accordance with law within a period of six months thereafter.

9. The writ petition stands disposed of with the aforesaid observations.

(Rajiv Roy, J)

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