

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7696 of 2018

1. Yogendra Kumar Son of late Bazir Sah
2. Sunil Kumar Son of Shiv Narayan Prasad
3. Anil Prasad Son of Ramji Prasad
4. Ramjee Prasad Son of late Chandeshwar Prasad
5. Binod Kumar Son of Ram Chandra Prasad
6. Ashok Kumar Son of late Harihar Prasad
7. Satyendra Kumar Son of late Harihar Prasad
8. Naresh Prasad S/o Chaneswar Mahto
All Resident of Village Baswan Bigha, P.S. Bain District- Nalanda.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, Nalanda.
3. The District Land Acquisition Officer Nalanda, District- Nalanda.
4. The Secretary Road Construction Department, Govt. of Bihar, Patna.
5. The Executive Engineer Road Construction Division Hilsa District- Nalanda.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar, Advocate
For the Respondent/s : Mr. Manoj Kr. Ambastha, SC-26

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 22-08-2024

Heard the parties.

2. The petitioners are the landholders of *Mauja-Ben, Village-Baswan Bigha*, have approached before this Court seeking a direction upon the respondents to ensure payment of compensation amount as per the provisions of Right to Fair Compensation and Transparency in Land Acquisition,



Rehabilitation and Resettlement Act, 2013 for the acquisition of their raiyati land. The land, in question, is said to have been acquired by the Government for widening of road from *Islampur to Kapatiya More* situated in Thana No. 386, *Mauza-Ben, Village-Baswan Bigha*.

3. A counter affidavit has been filed on behalf of the respondent nos. 4 and 5. Categorical averment has been made that the land, in question, is part of *Nalanda to Islampur via Ben Road*. It was earlier Rural Works Department Road which was transferred to Road Construction Department, Bihar vide Rural Works Department Notification No. 18357 Patna dated 26.11.2012 and further taken into Road Construction Department. From the averments made in the writ petition, it appears that the petitioners are claiming compensation of old existing road, which was transferred from Rural Works Department, Bihar and was in public use from decades. It is also contended that some of the petitioners, namely, *Sri Sunil Kumar, Sri Binod Kumar, Sri Ramjee Prasad and Sri Ramchandra Prasad* have already received payment and executed registered deed in favour of the Government on consent. The land has been acquired under the Bihar Raiyati Land Lease Policy, 2014, the copy of which has been marked as Annexure-A to the counter



affidavit.

4. In view of the averments made in the counter affidavit, this Court deems it fit and proper to dispose off the writ petition with a liberty to the petitioners to approach before the respondent no. 5, who shall take up the grievance of the rest of the petitioners and pass an appropriate order for payment of compensation amount, in accordance with law.

5. The writ petition stands disposed off.

(Harish Kumar, J)

shivank/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.08.2024.
Transmission Date	NA

