

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7749 of 2018

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Ram Kumar Rai, Son of Late Janardan Rai, Resident of Village and Post
Office- Samastipur Bhith, Police Station- Bachhwara, District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Road Construction
Department, Bihar, Patna.
2. The Divisional Commissioner, Munger Division, Munger.
3. The Collector, Begusarai.
4. The District Land Acquisition Officer, Begusarai.
5. The Chief Engineer, Road Construction Department, Bihar, Patna.
6. The Executive Engineer, Rural Works Department, Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shashi Dhar Jha, Advocate
For the Respondent/s : Mr. Jitendra Kumar, AC to AAG- 11

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 22-08-2024

Heard Mr. Shashi Dhar Jha, learned Advocate for
the petitioner and Mr. Jitendra Kumar, learned Advocate for the
State.

2. The petitioner invoked the jurisdiction of this
Court seeking a direction upon the respondents to ensure
payment of compensation amount along with penal interest for
illegal and unauthorized construction of road over the raiyati
land of the petitioner, pertaining to Mauza Balbhadra, Thana
no.20, Khata nos. 11, 12, Khesara nos. 1, 2, 3, 5, 33 and 34, area
1 Bigha 17 Katha.



3. Learned Advocate for the petitioner contended that the aforementioned land of the petitioner was encroached without any acquisition proceeding and payment of compensation. It is the contention of the petitioner that he along with his two brothers purchased a chunk of land pertaining to Mauza Balbhadraban, Thana no.20, Tauzi no. 6227, Khata No. 10, Khesara No. 6, 7, 8, 36, 37, Khata no. 12, Khesara No.33, Tauzi No. 6228, Khata No.11 Khesara nos. 1, 2, 3, 4, 5, Khata No. 12, Khesara No. 33, 34, 35 and Thana No. 2228, Khata No. 11 Khesara No. 1,2,3 and 4 through three sale deeds dated 25.05.1988 and 24.05.1990 from their owner and taken possession over the same. The Jamabandi was also created in the name of the three brothers, including the petitioner and they have paid the rent to the authority concerned till the year 2016-17. After partition, the land, in question, has fallen in the share of the petitioner.

4. It is further contended that in the year, 1992 when the authority started constructing the road from Mohanuddinpur, P.W.D. Road to Dadpur village, the same was protested by the petitioner, however, he was assured that compensation of the land shall be paid to him later on. Despite the repeated representation and request, the claim of the



petitioner has not been accorded to, in such circumstances, the petitioner approached before the District Public Grievance Redressal Officer, Begusarai. However, on being aggrieved by the order passed by the District Public Grievance Redressal Officer, the petitioner preferred appeal before the Divisional Commissioner, Munger, who relegated the matter to the District Magistrate and directed him to pass a reasoned and speaking order after verification of report submitted by the Executive Engineer, Rural Works Department.

5. Counter affidavits have been filed on behalf of respondent nos. 3, 4 as well as 5, 6 and 8.

6. Referring to the averments made in the counter affidavit filed on behalf of respondent nos. 5 and 6, learned Advocate for the State countered the submission of the petitioner and submitted that the road, in question, is existing much prior to the date of purchase of land by the petitioner. It is contended that the Earth work and Brick Soling of the road, in question, was carried out with the consent of the earlier owner of the said land and other villagers. The Rural Works Department has only carried out the work of Black Top Road in the year 1992, but even at that point of time the petitioner has not raised any objection and now the petitioner has approached



this Court after 25 years.

7. The aforesaid contention of the respondents has refuted by the petitioner by filing rejoinder to the counter affidavit. It is submitted that the averments made in the counter affidavit is not correct and the same is made with intention to frustrate the genuine grievance of the petitioner. The vendor of the land has never given any consent to the State respondent for Earth work nor there is any Rasta or Road on the land, in question. It is also the contention of the petitioner that the revenue record as well as sale deed also suggest that no Rasta or Road passing through the land, and as such the contention of the respondents is not acceptable.

8. Having heard the learned Advocate for the respective parties and considering the nature of the grievance as well as the averments made in the counter affidavit filed on behalf of respondent nos. 5 and 6 that the Road has already been in existence since 1988 - 1990, much prior to the purchase of the land by the petitioner, this Court deems it proper to direct the respondent no.3 to look into the matter and verify the claim of the petitioner qua the land in question as well as the report of the Executive Engineer, Rural Works Department, Begusarai; and on verification, if the claim of the petitioner finds favour, in



such circumstances take appropriate action in accordance with law by passing a reasoned and speaking order.

9. The aforesaid exercise must be completed within a period of twelve weeks from the date of receipt/production of a copy of this order.

10. The writ petition stands disposed of.

(Harish Kumar, J)

uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.08.2024
Transmission Date	NA

