

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3535 of 2018

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Ganesh Prasad S/o Late Rameshwar Mahto, Resident of Village- Maghopur
Gulni, P.S.- Hilsa, District- Nalanda.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
2. The District Magistrate cum Collector, Nalanda.
3. The Additional Collector, Nalanda.
4. The District Land Acquisition Officer, Nalanda.
5. The Chief Engineer, P.W.D., Road Construction Department, Patna.
6. Executive Engineer, PWD, Road Construction Department, Hilsa, Nalanda.
7. The Circle Officer, Hilsa, Nalanda.
8. Suresh Prasad, S/o Late Bisheshwar Mahto, Resident of Gulni, P.S.- Hilsa, Post- Bhokilapur, District- Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : None
For the Respondent/s : Mr. S.C. Yadav, GP-15

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 06-05-2024 No one appears on behalf of the petitioner though the

State is present.

2. The present writ petition has been preferred for the

grant of following relief/s:-

*“(i) To issue an appropriate order/s,
direction/s including a writ preferably in
nature of Mandamus commanding and
directing upon the respondents to make the
payment of compensation to the petitioner
whose 8 decimal land appertaining to Tauzi
No. 12863, Khata No. 224, Thana No.-172,
Plot No. 319 and Khata No. 183, Plot No.
318 are situated in mauza Maghepur Gulni,*



P.S.- Hilsa, District- Nalanda has been acquired by the Respondent P.W.D. Road Construction Department for the purpose of construction of Hilsa Bypass (West side) from Km 0.00 to Km 5.112 Road.

(ii) To direct the Respondents to make the payment of compensation to the petitioner under the provision of section 26 (i) (b) of the newly amended Right to Fair Compensation and Transparency in Land Acquisition and Resettlement Act, 2013.

(iii) To direct the Respondent No. 1 to initiate a criminal proceedings against the private respondent No. 8 who has illegally and fraudulently received the compensation of petitioner's land by making a forged lease agreement dated 25-08-2017.

(iv) To any other relief/s to which the petitioners are entitled in the facts and circumstances of the case.”

3. A counter-affidavit on behalf of the respondent, Executive Engineer, RCD Division, Hilsa is on record and learned State counsel has taken this Court to para-16 which reads as follows:-

“16. That the facts stated and discuss. made above manifest that the agreement for perpetual lease of Raiyati



Land of Suresh Prasad (Respondent No. 8) was executed in light of the report of the Circle Officer, Letter No. 762 dated 06.06.2017 and Letter 1250 dated 03.08.2017 as well contained Hilsa in as Land Possession Certificate No. 311 dated 10.04.2017 issued from the Office of the Circle Officer, Hilsa, and thus absolutely there is no infirmity with payment of compensation of Rs. 45,85,000.00/- to the respondent no. 8 (Suresh Prasad).

4. This counter-affidavit was filed in the year 2018 and later copy was served upon the learned counsel for the petitioner on 14.05.2019.

5. There is no rejoinder to the said counter-affidavit and the Court assumes that he has expected the facts narrated in the said affidavit.

6. The writ petition is fit to be dismissed but as no one has appeared on behalf of the petitioner, the same is dismissed for non prosecution.

(Rajiv Roy, J)

Adnan/-

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