IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10583 of 2018

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Ram Lakhan Prasad, S/o Late Ramrup Mahto R/o Village- Bhokilapar, P.O. Bhokilapar, P.S.- Hilsa, District Nalanda at present resident of Janki Bhawan, Mahavir Nagar, Hanuman Nagar, New Byepass, Kankarbag, Patna, Bihar-800020.

... ... Petitioner/s

Versus

1. The State of Bihar and represented through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Road Construction Department, Govt. of Bihar, Patna .
3. The Collector at Biharsharif, District- Nalanda
4. The District Land Acquisition Officer, at Biharsharif,- Dist. Nalanda.
5. The Additional Collector, Nalanda at Biharsharif.
6. The Engineer in Chief, Department of Road Construction Division, Patna.
7. The Executive Engineer, Department of Road Construction Division, Hilsa, District- Nalanda.

... ... Respondent/s

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Appearance :
For the Petitioner/s : Mr. Dilip Kumar, Adv.
For the Respondent/s : Mr. Chitranjan Sinha- PAAG-2

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT
Date : 05-12-2024

In the instant petition, the petitioner has prayed for following reliefs:-

> *"i) For adequate compensation of the land acquired by the government of Bihar to the petitioner in the survey plot no. - 337, khata no. - 258 at mauza - Gulni, thana no. - 172 of land measuring 7 decimal (0.07 acre) bounded as North -Sanjay Kumar, South Ramchalitra, East -Rajnandan Prasad, West -Neej as per rate given to Sri Ramcharitra Prasad son of Sri Sohrai Mahto resident of village Bhoklapar,*

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P.O. Bhoklapar, P.S. - Hilsa, District - Nalanda in respect of the same plot no. 337 under khata no. 258 at mauza Gulni, P.S. Hilsa, District- Nalanda vide Annexure - 2.

ii) Till payments of adequate compensation to the petitioner, respondents authorities should be restrained to start construction work for Byepass road (West) over the land of the petitioner and/or pass such other order or orders as your lordships may deem fit & proper in the facts & circumstances of the case."

2. Learned counsel for the petitioner submits that land in question bearing Plot No.337, Khata no. 258 at Mauza-Gulni, Thana No.172 of land measuring 7 decimal (0.07 acre) belonging to the petitioner has been acquired for construction of byepass road western side in Hilsa and the petitioner has been given compensation of Rs.9,80,000/- but for the part of the same plot and khata acquired for construction of the Byepass road, payment of compensation of Rs.28.42,000/- has been made in favour of petitioner's agnate. Learned counsel for the petitioner submits that the petitioner is aggrieved by the amount of compensation as the differences is not meager amount rather, difference is of more than Rs.14 lakh which has been given in favour of the agnate. So the petitioner approached before this Court.

3. Learned counsel for the State submits that in

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para 6 of the counter affidavit it is mentioned that the land in question of the petitioner which was acquired on 07.12.2016 was an agricultural land. The compensation amount was given to the petitioner on agricultural land which is justified and legal and by virtue of notification dated 25.02.2017, the land in question was declared as an urban area and the petitioner has already taken compensation with regard to the land in question prior to 25.02.2017, so the petitioner is not entitled for enhanced compensation. He further submits that if petitioner represents his grievance before the concerned authority that he has not received adequate amount of compensation for land in question, the same shall be looked into by the concerned authority.

4. Considering the facts and circumstances of the case, the petitioner has already received the requisite compensation amount for the land in question though his agnate has received more compensation amount in his favour just because of there is cut off date of notification by which it has been classified as an urban area. However, if petitioner has grievance with regard to the adequate compensation amount he may represent his grievance before the concerned authority.

5. In the light of aforesaid facts and circumstances of the case, the present writ petition stands disposed of with

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liberty to the petitioner to represent his grievance before the concerned authority within a period of four weeks from today. The concerned authority is directed to consider and dispose of the representation/application of the petitioner in accordance with law expeditiously within a reasonable period.

(Alok Kumar Pandey, J)

amitkumar/-

AFR/NAFR	AFR
CAV DATE	N/A
Uploading Date	06.12.2024
Transmission Date	N/A

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