

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2014 of 2016

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Shailendra Singh Son of Late Ram Pravesh Singh Resident of Village -
Adampur, Bhawanipur, Police Station - Hathauri, District - Muzaffarpur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. District Magistrate-cum-Land Acquisition Officer, Muzaffarpur.
3. Executive Engineer, Rural Works Department, Work Division, Muzaffarpur,
East - 01.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Neeraj Kumar @ Sanidh, Advocate
For the Respondent/s : Mr. Prabhat Ranjan, A.C. to G.P.6

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 02-07-2024 Heard learned counsel for the petitioner and

learned counsel for the State.

2. The present writ application has been filed for a

direction to the District Magistrate (Respondent No. 2) to

pay compensation to the petitioner for construction of road

in July, 2012 under the Chief Minister Rural Road Scheme

over his 7 decimals of Raiyati land appertaining to Khata

No. 160, Khesra Nos. 251, 252, 482, 483 (5 ½ decimals)

and Khata No. 387, Khesra No. 762 (1 ½ decimal) of

Mauza Adampur Nips and Dih Jeevar respectively under

Hathauri Police Station of Muzaffarpur district without



acquisition thereof in terms of the provisions of Land Acquisition Act, 1894.

3. Learned counsel for the petitioner submits that the Rural Works Department has constructed a road under the Chief Minister Rural Road Scheme over 7 decimals of the raiyati land of the petitioner without acquisition thereof in terms of the provisions of Land Acquisition Act, 1894. In this regard, learned counsel submits that the Circle Officer, Aurai held inquiry and submitted a report before the Respondent No. 2 through the Senior Deputy Collector, Incharge, Muzaffarpur to the effect that a road has been constructed over 07 decimals of petitioner's raiyati land without acquisition of the land. Learned counsel for the petitioner further submits that no *raiya*ti land can be utilized by the State for construction of road without the process of acquisition and without paying compensation for the same.

4. Considering the aforesaid facts and circumstances, the petitioner is directed to submit an application supported with all documents before the District Magistrate-cum-Land Acquisition Officer, Muzaffarpur (Respondent No. 2) within a period of four weeks from



today. If any such application is filed, the concerned respondent i.e. Respondent No. 2 shall consider the same after perusing the documents filed on behalf of the petitioner and pass reasoned order in accordance with law within a period of three months from the date of receipt/production of a copy of this order.

5. With the aforesaid observation/direction, the present writ petition stands disposed of.

(Rudra Prakash Mishra, J)

Alok Verma/-

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