

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4236 of 2016

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Sona Devi Wife of Deonandan Sharma Resident of Village Mastul Barun Po
and P.s Barun District Aurangabad.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Land Reforms Department , Bihar Patna.
3. The Director, Land Reforms Department , Bihar Patna.
4. The Collector, Aurangabad.
5. The District Land Acquisition Officer, Aurangabad,.
6. The Circle Officer, Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. AmanMishra, Advocate
For the Respondent/s : Mr. Avinash Kumar, SC -30

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 08-04-2024 Heard Mr. Aman Mishra, learned counsel for the

petitioner and learned counsel for the State.

2. On 26.02.2024, the following order was passed:

*“Heard Mrs. Leelawati Kumari, learned
Counsel for the petitioner.*

*2. There is no appearance on behalf of
the State Counsel.*

*3. The present petition has been
preferred for:*

*a direction upon the respondents
especially to District Magistrate,
Aurangabad to pay adequate compensation*



for loss caused due to loss of crops standing over the agricultural land of petitioner and filling the agricultural land by collecting dig soil in the field of the petitioner done by the contractor in construction of road constructed adjacent to the purchased land of the petitioner without making proper and valid acquisition of their land and without providing them adequate compensation in terms of policy of Railway in this regard.

4. In the year 2017, a counter affidavit was filed on behalf of the State and paragraph 8 read as follows:-

“That it is humbly submitted that in the aforesaid circumstances it is submitted before the Hon'ble Court that further six weeks time be given to the respondent so that the necessary exercise of the removal of the road from the raiyati land of the petitioner may be carried out.”

5. As per the said contention, six weeks time was sought for by the respondents to take necessary steps for the removal of the road from the 'raiya' land of the petitioner.

6. Learned Counsel for the petitioner submits that even after lapse of six years, no such removal has been done.

7. There is no supplementary counter



affidavit nor there is any appearance on behalf of the State Counsel.

8. Mrs. Archana Meenakshi, learned G.P.-6 submits that she will be informing the concerned office and/or the office of the A.G., Bihar so that on the next date of hearing, appropriate assistance on behalf of the State Counsel is made.

9. In view of the fact that the respondent no. 4, the Collector, Aurangabad has not filed any reply in the matter, the petition is adjourned for next six weeks enabling him to file a supplementary counter affidavit bringing on record the present status of the case.

10. It is made clear that in absence of any supplementary counter affidavit on the next date of hearing, the concerned respondent will have to deposit Rs. 5,000/- to the Bihar State Legal Services Authority.

11. List this matter after six weeks.

12. As there is no appearance of State Counsel, office to send a copy of the order to the Collector, Aurangabad for perusal and needful.”

3. As would reflect, since there was no appearance on behalf of the State, the office was directed to send a copy of the order to the Collector, Aurangabad for its perusal and needful.

4. A supplementary counter affidavit on behalf of the



respondent no. 4 has been filed and in paragraph 12 and 13, it has been recorded as follows:

“ 12. That with respect to the statements made in paragraphs no. 4 to 7 and 9 of the writ application it is being submitted before the Hon'ble Patna High Court that one road namely L072-Mamka to Senuria (Track72) of the Package No. BR02R231 of the Year 2013-14 under PMGSY has been constructed by the Rural Works Department Government of Bihar, under the control and supervision of the Executive Engineer, RWD, Works Division, Aurangabad. The work of construction of the road was awarded to one contractor namely Bhola Sharan Singh being the successful bidder and accordingly agreement was executed on 25.01.2014 between the Executive Engineer, RWD, Works Division, Aurangabad and the aforesaid contractor. The aforesaid road has been sanctioned to be built on the alignment of the already existing Kaccha Road built under MANREGA scheme. The date of completion of the work as per the agreement was 24.01.2015. But the contractor could complete the work on 17.05.2015.

13. That well after completion of the aforesaid construction of the road the Circle Officer, Aurangabad vide his Memo No. 3 dated 18.02.2017 has informed the Executive Engineer, RWD, Works Division, Aurangabad that an area of 0.26 Acre of the land of the petitioner of the



description of Mauza/Thana No. Sindurai (524), Khata No. 15 and Plot No. 100 and 101 has been used in the construction of the aforesaid road.”

5. From the aforesaid supplementary counter affidavit, it is clear that only after the order was passed by this Court on 26.02.2024 that the Executive Engineer, Rural Works Department, Works Division Aurangabad came out of the deep slumber and communicated vide memo no. 784 dated 21.03.2024 to the Secretary, Rural Works Department, Bihar Patna.

6. Instead of putting the said Executive Engineer on show cause and/or directing the State to file counter affidavit on behalf of Rural Works Department which again may take another couple of years, the direction is given to the Secretary, Rural Works Department to take immediate steps now that the State has accepted that the road has been constructed on the *raiyati* land of the petitioner.

7. The entire exercise is to be completed within a period of three months from today and the payments shall flow within two months thereafter.

8. In case, there is any delay in payment, the amount that shall be paid will be with an interest @ 6 per cent from the date of the passing of this order till the actual payment is made.



9. The writ petition is allowed along with the
aforesaid observations.

(Rajiv Roy, J)

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