

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4929 of 2024

1. Surendra Kumar son of Late Rai Hari Prasad, resident of Village and P.O.- Bandhu Ganj, P.S.-Ghoshi, District-Jehanabad, Pin-804432.
2. Jitendra Kumar, son of Late Rai Hari Prasad, resident of Village and P.O.- Bandhu Ganj, P.S.-Ghoshi, District-Jehanabad, Pin-804432.
3. Satyendra Kumar, son of Late Rai Hari Prasad, resident of Village and P.O.- Bandhu Ganj, P.S.-Ghoshi, District-Jehanabad, Pin-804432.
4. Ranjit Kumar, son of Late Rai Hari Prasad, resident of Village and P.O.- Bandhu Ganj, P.S.-Ghoshi, District-Jehanabad, Pin-804432.
5. Rajnish Kumar, son of Sri Birendra Kumar, resident of Village and P.O.- Bandhu Ganj, P.S.-Ghoshi, District-Jehanabad, Pin-804432.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary/The Principal Secretary, Road Construction Department, Vishweshwaraiya Bhawan, Bailey Road, Patna-15.
2. The Additional Chief Secretary/The Principal Secretary, Road Construction Department, Vishweshwaraiya Bhawan, Bailey Road, Patna-15.
3. The Engineer in Chief (Karya Prabhandan), Road Construction Department, Vishweshwaraiya Bhawan, Bailey Road, Patna-800015.
4. The Chief Engineer (South Bihar Wing), Road Construction Department, Vishweshwaraiya Bhawan, Bailey Road, Patna-800015.
5. The Superintending Engineer, Road Construction Department, Patna Road Circle, Chajjubagh, Patna.
6. The Executive Engineer, Road Construction Department, Road Division, Gulzarbagh, Patna-7.
7. The District Magistrate (D.M.), Patna-1.
8. The District Land Acquisition Officer, Patna-1.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Manish Sahay, Advocate Mr. Anil Kumar Sinha, Advocate
For the Respondent/s	:	Mr. Sarvesh Kr. Singh AAg 13

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 08-04-2024

This application has been filed for following



relief(s):-

“(i) For commanding and directing the concerned Respondent to pay actual amount of compensation to the petitioners for their lands over which Respondent Nos. 02 to 06 had constructed the road in question by encroachment and without taking consent from them.

(ii) For further directing the concerned respondent to pay the interest @ 18% per annum over entire compensation amount from the date of taking possession of lands till the date of its realization.

(iii) For declaring that the actions of the respondents are arbitrariness, mala fide, malicious, colourable exercise of power as well as against the law.

(iv) For passing such an order or orders for which the petitioners are entitled under the law in the fact and circumstance of this case.”

2. Perused the office notes.

3. Defect is ignored as pointed out by the office.

4. The District Magistrate, Patna is directed to consider the case of the petitioner and pass an appropriate order in accordance with law after hearing the petitioner.

5. The copy of the writ petition shall be treated as representation having been filed by the petitioner.

6. The representation of the petitioner must be considered and disposed of by 31st of July, 2024.

7. If the District Magistrate, Patna finds substance in the claim of the petitioner, he will pass an order for payment



of compensation to the petitioner within the time framed.

8. Accordingly, this application is disposed of with
the aforesaid observation and direction.

(Sandeep Kumar, J)

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