

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.9710 of 2016**

Shankar Prasad son of late Nageshwar Prasad Sah the resident of village  
Ghorghat, P.S. Sultanganj, District - Bhagalpur.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
3. The Director, Land Acquisition, Govt. of Bihar, Patna.
4. The Commissioner cum Secretary, Public Works Department, N H Division, Bihar, Patna.
5. The Land Acquisition Officer, Bhagalpur.
6. The Superintending Engineer, P.W.D. National Highway Division, Bhagalpur.
7. The Executive Engineer, National Highway Division, P.W.D., Bhagalpur.

... .. Respondent/s

**Appearance :**

For the Petitioner/s : None.

For the Respondent/s : Ms. Rashmi Ranjan, A.C. to S.C.-7

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**

ORAL ORDER

2      21-02-2024                      On call, no one appears on behalf of the petitioner  
though Ms. Rashmi Ranjan, learned A.C. to S.C.-7 is present.

2. The present petition has been preferred for the  
following reliefs:-

*(i) for a direction to the respondent authorities  
to pay the compensation for the lands and house which  
requires to demolish for the construction of the approach  
road as rate of compensation has been given much below  
then the other whose house has been acquired for the  
construction of road;*

*(ii) for restraining the respondents authorities  
not to demolish the house of the petitioners as except  
this house the petitioner has no other space to reside*



*unless and until authority will not rehabilitates on some other place under new Act;*

*(iii) to pay the adequate compensation at the rate of similar situated lands of other adjacent Mauja against the land to be taken by the respondents for construction of approaching road;*

*(iv) for a direction upon the respondents to pay the commercial rate of the land which is being acquired and not to pay the agricultural rate to the petitioner above lands and house situated just beside of N.H.80 and they have shop for livelihood and further rate may be fixed as per other direction held by the Hon'ble Apex Court of India time to time;*

*(v) for a direction upon the respondents particularly the respondents no. 5 to 7 to get the matter settled amicable in terms of the law established and keeping in view of the welfare scheme sponsored by the State time to time for the benefit of the land losers.*

**3.** Learned Assistant Counsel has taken this Court to paragraph nos. 4, 6 and 7 which read as follows:-

*“4. That the present writ petition has been filed by the writ petitioner to issue directions to the respondents to make payment of adequate*



*compensation amount for his land, acquired under I.A Case No. 04 of 2012-13 by the respondent no.5 to construct approach road to connect two lane high level bridge, constructed over Mani river at NH 80 under NH Division, Bhagalpur. Further prayer has been made to restrain the respondents from demolishing the house of petitioner and determine the amount of compensation on the commercial rate of land and pay the same.*

*6. That it is important to mention here that the answering respondents had not acquired the land of the petitioner rather from the pleading made in the writ petition it appears that the land of the petitioner had been acquired by the District Land Acquisition Officer, Bhagalpur, Respondent no. 5 who is competent authority under land Acquisition Act, 1894, therefore, the answering respondents authority under Land Acquisition Act, 1894, therefore the answering respondents are not authorized to make any comment on the merit of the present case or on the reliefs sought for by the writ petitioner.*

*7. That it is important to mention here that amount of compensation for acquisition of land to construct approach road to connect bridge in question has already been released and paid to the District Land Acquisition Officer, Bhagalpur, respondent no. 5, under letter no. 286 dated 20.03.2012 and 686 dated 29.10.2015.”*



4. This Court has also taken note of paragraph nos. 8 and 9 which read as follows:-

*“8. That from perusal of letter at Annexure A & B it will be evident that total amount of compensation amounting to Rs. 57,13,668/- has already been paid to the District Land Acquisition Officer, Bhagalpur, respondent no.5.*

*9. That it is equally important to state and submit here that the petitioner has received the amount of compensation, which is evident from the statement made in paragraph no. 17 of the writ petition, yet the petitioner is not vacating the land in question, which is causing delay in execution work of construction of approach road to bridge, therefore, the petitioner may kindly be directed to vacate the land in question, immediately.”*

5. This counter affidavit was filed after serving copy upon the petitioner, there is no rejoinder to the said petition.

6. Though this Court is convinced that no direction can be issued, in absence of the petitioner, the writ petition is dismissed for non-prosecution.

**(Rajiv Roy, J)**

Neha/-

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