

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5868 of 2024

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1. Arbind Prasad Singh Son of Late Kamal Prasad Singh @ Kamal Prasad Singh Resident of Village- Khajwatta, Police Station- Bidupur, District- Vaishali.
 2. Mukesh Kumar Son of Late Kamal Prasad Singh @ Kamal Prasad Singh Resident of Village- Khajwatta, Police Station- Bidupur, District- Vaishali.
 3. Sukesh Kumar Son of Late Kamal Prasad Singh @ Kamal Prasad Singh Resident of Village- Khajwatta, Police Station- Bidupur, District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. The Principal Secretary, Rural Department, Government of Bihar, Patna.
3. The Chief Engineer, Rural Works Department, Bihar, Patna.
4. The Executive Engineer, Rural Works department, Works Division, Mahnar, Vaishali.
5. The District Magistrate, Vaishali, Hajipur.
6. The Sub Divisional Officer, Hajipur.
7. The Circle Officer, Bidupur, Vaishali.
8. The District Land Acquisition Officer, Vaishali

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra, Advocate
For the Respondent/s : Mr. Government Pleader 4

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 19-06-2024 Learned counsel for the petitioners prays for and is allowed to implead the District Land Acquisition Officer, Vaishali at Hajipur as respondent no. 8 in course of the day.

2. Heard the parties.

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

(i) a writ in the nature of



mandamus or any other appropriate writ, order or direction directing the Respondents to remove the encroach from the land of the petitioners bearing Thana No. 270, Khata No. 17, Plot No. 02, Area 42 decimals situated in Mauza- Mohanpur, Bidupur in the District of Vaishali;

(ii) a writ in the nature of mandamus or any other appropriate writ/order or direction directing the Respondents to not construct bridge on the Raiyati land of the petitioners bearing Thana No. 270, Khata No. 17, Plot No. 02 Area 42 decimals situated in Mauza Mohanpur in the District of Vaishali.

4. Learned counsel for the petitioners submit that without acquisition of the lands, the construction is being made by the respondents.

5. A counter affidavit on behalf of the respondent no. 4, the Executive Engineer, Rural Works Department, Mahnar is on record and according to him, the construction is being made in public interest and the lands of the petitioners is/are not coming in the alignment.

6. Learned counsel for the petitioners reiterate that their lands are being taken up and are under the alignment.

7. This Court is of the view that the construction so



made may be in public interest but taking up the Raiyati lands, if the contention of the petitioners is/are correct, is a different thing. If the respondents are under the view that for the construction/alignment, the Raiyati lands of the petitioners are being acquired, they need to be compensated.

8. Since the situation is still fluid, the respondent no. 5, the Collector, Vaishali at Hajipur is required to look into the matter inasmuch as:

(i) whether in the aforesaid construction, the land of the petitioners in any way is coming or not;

(ii) if the part of the land of the petitioners has been taken up for the construction, whether they are entitled to the Corporation or not?

9. If the Collector, Vaishali after hearing all the parties and looking into the documents/reports of the State officials comes to the conclusion that the lands of the petitioners come within the purview of the construction, after passing a reasoned order, the matter be referred to the newly added respondent no. 8, the District Land Acquisition Officer, Vaishali at Hajipur who shall decide the quantum of the compensation to the petitioners after hearing the stake holders.

10. The Collector, Vaishali shall pass an order within



four months from the date, the petitioners file their representation with the documents. In case, the Collector, Vaishali comes to the conclusion that the lands of the petitioners have been taken for the construction and accordingly, refers the matter to the District Land Acquisition Officer, Vaishali at Hajipur, the concerned respondent shall be deciding the matter in next two months and will make the necessary payments to the genuine land holders in the next four weeks.

11. The writ petition stands disposed of.

(Rajiv Roy, J)

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