

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7770 of 2022

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Ghanshyam Singh @ Ghanshyam Prasad Singh Son of Late Krishna Singh,
Resident of Village- Malkauli, Ward No. 1, P.S. Bagaha, District - West
Champaran.

... .. Petitioner/s

Versus

1. Union of India through its Principal Secretary, Road Construction Department, New Delhi.
2. The State of Bihar, Through Principal Secretary, Road Construction Department, Vishwsharaiya Bhawan, Baily Road, Patna.
3. The Engineer in Chief, National Highways Division, Vishawsharaiya Bhawan Bailey Road, Patna.
4. The Chief Engineer, Road Construction Division, North Wingh Vishawsharaiya Bhawan Bailey Road Patna, Bihar, Patna.
5. The Superintending Engineer, National Highways, N.H. Circle Muzaffarpur 6.
6. The Executive Engineer, N.H. Division, Motihari.
7. The Assistant Engineer, N.H. Division, Motihari.
8. The Junior Engineer, N.H. Division, Motihari.
9. The District Magistrate, Bettiah, West Champaran.
10. The S.D.M. Bagaha, West Champaran.
11. The Circle Officer, Bagaha - 2, West Champaran.
12. The District Land Acquisition Officer, Bettiah, West Champaran.
13. C.E. Testing Company Pvt. Ltd. 124 A.N.S.C. Bose road, Kolkatta - 700092.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Suresh Prasad Sharma
For the Respondent/s	:	Dr. Iti Sumarn, Advocate, CGC
		Mr. Uday Shankar Prasad, G.P.-19

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

8 23-04-2024 Heard Mr. Suresh Prasad Sharma, learned counsel

 appearing on behalf of the petitioner and Mr. Uday Shankar

 Sharan Singh, learned Government Pleader No. 19.



following reliefs:

(i) to quash the order dated 06.05.2022 contain in Memo No. 206 passed by the competent officer under the N.H.A.I. Act cum District Land Acquisition Officer, West Champaran, Bettiah;

(ii) to quash the entire proceeding under the Land Acquisition Act, 01 of 2018-19 relating to the construction of N.H.A.I. 28 B (Proposed ROB 94 KM Mangalpur);

(iii) to direct the respondents to construct the said ROB strictly as ordered by the Government on the basis of experts advice at Option No. 2;

(iv) the respondents be directed to produce the map of the construction of ROB on which they are going to construct the road over Bridge;

(v) the respondents be directed to get the entire construction work examined by a competent officer of this Hon'ble Court if they are carrying on work of construction of ROB at option No. 2 as per undertaking given by them in the previous proceeding;

(vi) if this Hon'ble Court is satisfied that their action is against the direction of this Hon'ble Court they may proceed against the respondents."



3. Though lots of water has flown down the ganges and number of affidavits have come since the filing of the writ petition in the year 2022, this Court relies on the counter affidavit filed on behalf of the respondent nos. 1 to 8 duly put on affidavit by the Executive Engineer, N.H. Division, Road Construction Department, Motihari.

4. After detailing out the facts of the case, paragraph-16 read as follows:

“16.that it is relevant to mention here that the total land of 0.00189 Hecter which has been acquired for the construction of ROB on National Highway No. 28 B (New 727) from three plots, i.e. 99, 108 and 864. The total compensation amount of Rs. 56,44,718 have already paid in the Account of petitioner. So far the claim of other two plots when the petitiner will produce the paper of these two plots for proving his title over two plots i.e. plot no. 865 and 866 before the authority, thereafter the compensation of these two plots will be paid to petitioner.”

5. Now the State has detailed out the facts and further has invited the petitioner to come with all the relevant documents to prove his Title over the plot nos. 865 and 866 so that



the compensation could be paid to him.

6. Learned counsel for the petitioner submits that he will be filing the proper application with the relevant documents before the competent authority within a period of six weeks from today.

7. Learned Government Pleader No. 19 submits that in case such petition along with relevant documents supporting his case will be filed, the same will be taken up and decided expeditiously.

8. This Court expects that since the matter is old, the competent authority shall be taking a decision at an earliest and not before six months after the petition is received on his table.

9. The writ petition stands disposed of.

(Rajiv Roy, J)

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