

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10068 of 2014

Most. Indu Devi W/o Late Kaushlendra Prasad R/o Village - Pachuara, P.S.
Harnaut, District - Nalanda

... .. Petitioner/s

Versus

1. The State Of Bihar
 2. The District Magistrate, Nalanda at Bihar Sharif
 3. The Sub - Divisional Officer, Bihar Sharif, Nalanda
 4. The Circle Officer, Harnaut, Nalanda
 5. The Executive Engineer, Rural Works Division, Harnaut, District - Nalanda
- Respondent/s

with

Civil Writ Jurisdiction Case No. 10207 of 2014

Sanjay Kumar Sinha S/o- Ram Nandan Prasad Singh, R/o Village- Pachuara,
P.S.- Harnaut, District- Nalanda

... .. Petitioner/s

Versus

1. The State Of Bihar
 2. The District Magistrate, Nalanda at Bihar Sharif
 3. The Sub-Divisional Officer, Bihar Sharif, Nalanda
 4. The Circle Officer, Harnaut, Nalanda
 5. The Executive Engineer, Rural Works Division, Harnaut, District- Nalanda
- Respondent/s

with

Civil Writ Jurisdiction Case No. 10313 of 2014

Anjani Prasad S/o- Late Tetar Singh, R/o Village- Pachuara, P.S.- Harnaut,
District- Nalanda

... .. Petitioner/s

Versus

1. The State Of Bihar
 2. The District Magistrate, Nalanda at Bihar Sharif
 3. The Sub-Divisional Officer, Bihar Sharif, Nalanda
 4. The Circle Officer, Harnaut, Nalanda
 5. The Executive Engineer, Rural Works Division, Harnaut, District- Nalanda
- Respondent/s

with

Civil Writ Jurisdiction Case No. 7791 of 2015



Inderjeet Prasad S/o- Late Tetar Singh, R/o Village- Pachuara, P.S.- Harnaut,
District- Nalanda.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, Nalanda at Bihar Sharif.
3. The Sub-Divisional Officer, Bihar Sharif, Nalanda.
4. The Circle Officer, Harnaut, Nalanda.
5. The Executive Engineer, Rural Works Division, Harnaut, District- Nalanda.
6. The Secretary, Rural Works Department, Government of Bihar, Patna

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 10068 of 2014)

For the Petitioner/s : Mr.Binit Kumar, Advocate

For the Respondent/s : Mr.Sanjeet Kr. Singh, AC to AAG-6

(In Civil Writ Jurisdiction Case No. 10207 of 2014)

For the Petitioner/s : Mr.Binit Kumar, Advocate

For the Respondent/s : Mr.Dinbandhu Singh

(In Civil Writ Jurisdiction Case No. 10313 of 2014)

For the Petitioner/s : Mr.Binit Kumar, Advocate

For the Respondent/s : Mr.Sc24- Sunil Kumar Mandal

(In Civil Writ Jurisdiction Case No. 7791 of 2015)

For the Petitioner/s : Mr.Binit Kumar, Advocate

For the Respondent/s : Mr.Ga3- Vinay Kirti Singh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 4 08-08-2024 1. At the outset, the learned counsel for the petitioners seeks permission to implead the Secretary, Rural Works Department, Government of Bihar, Patna, as party respondent no.06 to the present writ petition. Permission so sought is granted.
2. Needful be done during the course of the day.
3. The aforesaid four writ petitions have been filed seeking removal of encroachment made over their respective raiyati land, as also for directing the respondents to fill soil,



which have been removed from their raiyati land, illegally and to further restore the original shape and position of the raiyati land of the petitioners, in question.

4. At the outset, the learned counsels appearing for the respondents in the aforesaid four writ petitions submits that the soil has already been filled in the raiyati land of the petitioners and the land in question, belonging to the petitioners, have been restored to its original position.

5. The learned counsels for the aforesaid petitioners have referred to Letter No.1384, dated 03.08.2017, annexed as annexure R-5F/2 to the counter affidavit, filed in the first case, on behalf of the respondent no.5 (Executive Engineer, Rural Works Division, Harnaut, District- Nalanda), to submit that the cases of the petitioners have been referred to the Secretary Rural Works Department, Government of Bihar, Patna for calculation of the compensation amount and making payment of the same to the petitioners, which is required to be recovered from the concerned contractor, who had illegally removed the soil from the land belonging to the aforesaid writ petitioners.

6. In view of the aforesaid, the learned counsels for the aforesaid petitioners submit that the Secretary, Rural Works Department, Government of Bihar, Patna be directed to



calculate the amount of compensation and make payment to the petitioners, forthwith. In this connection reliance has been placed on a judgment dated 12.11.2013, rendered by a co-ordinate Bench of this Court, in CWJC No.7519 of 2013 (Koshmi Devi & Anr. Vs. The State of Bihar & Ors.) and it has been submitted that in similar circumstances, the respondents have granted compensation to the petitioners of the said writ petition.

7. Having regard to the facts and circumstances of the case, I deem it fit and proper to direct the Secretary, Rural Works Department, Government of Bihar, Patna to calculate the amount of compensation, to be paid to the petitioners for the admitted illegal acts of the authorized contractor of the respondents, who had illegally removed huge quantity of soil from the land belonging to the petitioners and make payment of the same to the petitioners, within a period of four weeks from today.

8. Accordingly, all the aforesaid writ petitions stands disposed off with the aforesaid directions.

(Mohit Kumar Shah, J)

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