

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15456 of 2016

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Sardendu Kumar Sinha son of Late Rameshwar Prasad Sinha resident of Flat No.43, Janpara House, Khajanchi Road, Police Station Pirbahore, District-Patna.

... .. Petitioner/s

Versus

1. State of Bihar through the Director, Department of Revenue, Bihar, Patna.
2. The Principal Secretary, Rural Work Department, Government of Bihar, Patna.
3. The Collector, Patna.
4. The District Land Acquisition Officer, Patna.
5. The Executive Engineer, Rural Engineer Organization, Patna.
6. The Circle Officer, Sampatchak Anchal, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rakesh Kumar Chandram, Adv.
For the Respondent/s : Mr.Md. Khurshid Alam- AAG12

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL JUDGMENT

Date : 22-08-2024

Heard learned counsel for the parties.

2. In this writ application, the petitioner has prayed
for following relief(s):-

“That petitioner is filing this writ petition for issuance of a direction to respondent No. 3 to remove the encroachment from the petitioner Land which respondent have forcibly encroach about 350 square feet of petitioner's land for construction Udaiyanee Sampatchak Road or in alternative if they want not to remove the encroached portion of the land upon which they have constructed the road then they must pay the compensation of the encroach land as per the right to fair compensation



and transparency in land Acquisition Rehabilitation and Resettlement Act 2013 hereinafter called as LA Act if they does not want to pay the compensation then possession over land in question may be given to the petitioner after removing encroachment.”

3. The matter relates to 4 ½ decimal of land from Tauzi No. 757, Khata No. 474, Survey Plot No. 32 situated in Village Sona Gopal, P.S. Phulwari, Thana No. 124 in the district of Patna.

4. Learned counsel for the petitioner submits that the respondent authorities in the process of widening of the road have encroached about 350 square feet of land of the petitioner and constructed the road over the same. He further submits that as and when the petitioner got information about encroachment of his land, he filed an application dated 26.02.2016 before the Collector, Patna (Respondent No.3), which is pending consideration and has not been disposed of as yet.

5. Accordingly, the learned counsel for the petitioner seeks a direction upon the Collector, Patna (Respondent No.3) to dispose of the aforesaid application dated 26.02.2016 within a fixed time frame.

6. Learned counsel for the respondent-State submits that in case the aforesaid application dated 26.02.2016 is still pending, the same may be disposed of, within a stipulated



time frame, as is fixed by this Hon’ble Court.

7. Having regard to the facts and circumstances of the case, this Court deems it fit and proper to direct the Collector, Patna (Respondent No.3) to dispose of the aforesaid application, in case the same has not yet been disposed of, within a period of three months from the date of receipt/production of a copy of this order.

8. The writ petition stands disposed of on the aforesaid terms.

(Rudra Prakash Mishra, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.08.2024
Transmission Date	

