

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8401 of 2022

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Pawan Kumar Mishra, Son of Late Kameshwar Mishra, Resident of Salempur
(Srinandan Path), P.S. - Chapra, Town and District - Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, Road Construction Department, Bihar, Patna.
3. The Additional Chief Secretary Department of Revenue and Land Reforms, Bihar, Patna.
4. The Collector, Saran at Chapra.
5. The Additional Collector, Saran at Chapra.
6. The Circle Officer, Sadar Chapra, District - Saran.
7. The Senior Project Engineer, Bihar Rajya Pul Nirman Nigam Limited, Work Division, Chapra.
8. The Executive Officer, Chapra Municipal Corporation.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 6838 of 2021

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1. Atul Kumar Son of Late Brajendra Kumar Singh Resident of Atul Machinery, Purani Gurhatti, P.S.-Chapra Nagar, District-Saran.
2. Pandey Shailesh Kumar Son of Late Chandramauli Pandey, Resident of Lah Bazar, Salimpur, P.S.-Chapra Nagar, District-Saran.
3. Shailesh Kumar Son of Late Badrinarayan Gupta, Resident of Srinandan Road, Salempur, P.S.-Chapra Nagar, District-Saran.
4. Ranjit Bahadur Sinha Son of Late Amrendra Bahadur Sinha, Resident of Lah Bazar, Salempur, P.S.-Chapra Nagar, District-Saran.
5. Prashant Raj Son of Radha Vallabh Prasad Resident of in front of Bank of India, Nirman Traders, Salempur, P.S.-Chapra Nagar, District-Saran.
6. Vivek Kumar Son of Sri Kumar Mishra, Resident of Mishra Homeo Stores, Srinandan Road, Salempur, P.S.-Chapra Nagar, District-Saran.
7. Diwakar Gupta Son of Late Gopaljee Prasad Resident of Gopal Ji House, Purani Gurhatti, P.S.-Chapra Nagar, District-Saran.
8. Brijkishore Prasad Son of Rameshwar Baitha, Resident of Saran Drycleaners, Mauna, P.S.-Chapra Nagar, District-Saran.
9. Ashwini Kumar Son of Late Haniman Prasad Resident of Srinandan Road, Salempur, P.S.-Chapra Nagar, District-Saran.
10. Malti Gupta Wife of Ashwini Kumar Resident of Srinandan Road, Salempur, P.S.-Chapra Nagar, District-Saran.



11. Ashok Kumar Gupta, Son of Late Kanhaiya Lal Gupta Resident of Srinandan Road, Salempur, P.S.-Chapra Nagar, District-Saran.
12. Md. Nizamuddin Son of Jalil Ahmed Resident of Kabristan Road, Karim Chowk, P.S.-Chapra Nagar, District-Saran.
13. Narendra Singh Son of Late Ram Sarek Singh Resident of Srinandan Road, Salempur, P.S.-Chapra Nagar, District-Saran.
14. Dilip Kumar Gupta Son of Om Prakash Gupta Resident of Mauna Chowk, P.S.-Chapra Nagar, District-Saran.
15. Chandan Kumar Son of Ravindra Nath Singh Resident of Srinandan Road, Salempur, P.S.-Chapra Nagar, District-Saran.
16. Dharm Nath Gupta Son of Bhagwanji Prasad Resident of Aluminium House, Salempur, P.S.-Chapra Nagar, District-Saran.
17. Amit Vijay Son of Late Krishna Kumar Resident of Shail Bhawan, Near Khadi Bandar, Salempur, P.S.-Chapra Nagar, District-Saran.
18. Nawal Kishore Prasad Son of Late Adaya Prasad Resident of In front of Late Mahendra, Babu House, P.S.-Chapra Nagar, District-Saran.
19. Deepak Kumar Son of Raghuwar Dawal Sharma Resident of Daldali Bazar, P.S.-Chapra Nagar, District-Saran.
20. Satyanarayan Sharma Son of Late Maha Dev Maharaj Resident of Mauna Chowk, P.S.-Chapra Nagar, District-Saran.
21. Abhishek Kumar Son of Rameshwar Prasad Singh Resident of Srinandan Road, Salempur, P.S.-Chapra Nagar, District-Saran.
22. Sri Prakash Gupta Son of Late Akshaywar Prasad Gupta Resident of Misri Dukan, P.S.-Chapra Nagar, District-Saran.
23. Manish Kumar Son of Late Mohan Prasad Resident of Sahebganj, P.S.-Chapra Nagar, District-Saran.
24. Manoj Kuamr Gupta Son of Om Prakash Gupta Resident of Mauna Chowk, P.S.-Chapra Nagar, District-Saran.
25. Santosh Kumar Son of Girja Prasad Resident of Sahebganj, P.S.-Chapra Nagar, District-Saran.
26. Sanjay Kumar Son of Late Ram Prasad Agrawal Resident of Purani Gurhatti, P.S.-Chapra Nagar, District-Saran.
27. Devendra Kuamr Singh Son of Late Sudama Singh Resident of Purani Gurhatti, P.S.-Chapra Nagar, District-Saran.
28. Prem Nath Prasad Son of Late Prithvi Chand, Resident of Saran Watch, Salempur, P.S.-Chapra Nagar, District-Saran.
29. Ravi Shankar Kumar Son of Late Lalji Prasad Resident of Milan Hotel, Lah Bazar, P.S.-Chapra Nagar, District-Saran.
30. Nikhilesh Kumar Son of Laxmi Prasad Resident of Mauna Chowk, P.S.-Chapra Nagar, District-Saran.
31. Jitendra Kumar Son of Ganesh Prasad Resident of Mauna Pathak, Mahavir Mandir, P.S.-Chapra Nagar, District-Saran.
32. Chandan Kumar Son of Prabhunath Prasad Resident of Lah Bazar, P.S.-



Chapra Nagar, District-Saran.

33. Birendra Kumar Son of Radhe Shyam Prasad Resident of Lah Bazar, P.S.- Chapra Nagar, District-Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, Road Construction Department, Bihar, Patna.
3. The Collector, Saran at Chapra,
4. The Additional Collector, Saran at Chapra,
5. The Circle Officer, Sadar Chapra in the District of Saran
6. The Senior Project Engineer, Bihar Raj Pool Nirman Nigam Limited, Works Division, Chapra.
7. The Executive Officer, Chapra Municipal Corporation.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 15032 of 2021

1. Md. Parwez son of Md. Fazle Haque Resident of near Sami House, Chhota Telpa, Chapra, Police Station- Chapra Town, District- Saran.
2. Santosh Kumar Son of Jagannath Prasad Resident of Mauna Daldali Bazar, Mauna Fatak Chapra, Police Station- Chapra Town, District- Saran.
3. Gita Devi Wife of Satish Kumar Resident of Mauna Fatak, Patwa Patwa Bhawan, Daldali Bazar, Chapra, Police Station- Chapra Town, District- Saran.
4. Kamla Devi Wife of Devendra Prasad Resident of S.N. Road, Salempur, Chapra, Police Station- Town, District- Saran.
5. Gopal Prasad Son of Late Baidya Nath Prasad Resident of Patwa Bhawan, Daldali Bazar, Chapra, Police Station- Chapra Town, District- Saran.
6. Ramji Prasad Son of Raja Ram Sah Resident of Mauna Pakari, Chapra, Police Station - Chapra Town, District- Saran.
7. Nagendra Prasad Son of Raghunath Prasad Resident of Mauna Katari Bag Road, Chapra, Police Station- Chapra Town, District- Saran.
8. Madan Gopal Son of Lalan Prasad Byahut Resident of Daldali Bazar, Mauna Road, Prabha Medical Chapra, Police Station - Chapra Town, District- Saran.
9. Madhuri Devi Wife of Late Dhrub Narayan Gupta Resident of Chhota Brahmpur, Masumganj, Police Station- Bhagwan Bazar, District- Saran.
10. Hari Narayan Prasad Son of Late Shiv Prasad Sah Resident of near Ram Raj Murti, Daldali Bazar, Police Station- Town, District- Saran.



... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, Road Construction Department, Bihar, Patna.
3. The Collector, Saran at Chapra.
4. The Additional Collector, Saran at Chapra.
5. The Circle Officer, Sadar Chapra in the District of Saran.
6. The Senior Project Engineer, Bihar Raj Pool Nirman Nigam Limited, Work Division, Chapra.
7. The Executive Officer, Chapra Municipal Corporation, Chapra.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 8401 of 2022)

For the Petitioner/s : Mr. D.K. Sinha, Sr. Advocate
Mr. Abhinay Raj, Advocate
Mr. Alexander Ashok, Advocate
For the State : Mr. Manoj Kumar Sinha, AC to SC-19
For the BRPNNL : Dr. Anand Kumar, Advocate

(In Civil Writ Jurisdiction Case No. 6838 of 2021)

For the Petitioner/s : Mr. Mukesh Kumar Thakur, Advocate
On behalf of petitioner No. 23: Mr. Mani Shankar Prasad Sinha, Advocate
For the State : Mr. K.K. Singh, AC to GP-22
For the Resp. No. 6 : Mrs. Binita Singh, Advocate
For the BRPNNL : Mr. Ranjan Kumar Srivastava, Advocate

(In Civil Writ Jurisdiction Case No. 15032 of 2021)

For the Petitioner/s : Mr. Mukesh Kumar Thakur, Advocate
For the State : Mr. Mahtab Alam, AC to SC-20
For the BRPNNL : Mr. Ranjan Kumar Srivastava, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL JUDGMENT

Date : 17-02-2025

Mr. Devendra Kumar Sinha, learned Senior counsel for the petitioner (in C.W.J.C. No. 8401 of 2022), Mr. Mukesh Kumar Thakur, learned counsel for the petitioners (in C.W.J.C. No. 6838 of 2021 & C.W.J.C. No. 15032 of 2021)), Mr. Mani Shankar Prasad Sinha, learned counsel on behalf of petitioner no. 23 (in



C.W.J.C. No. 6838 of 2021) who appears through the Patna High Court Legal Services Committee and Mr. Manoj Kumar Sinha, learned AC to SC-19 for the State (in C.W.J.C. No. 8401 of 2021), Mr. K.K. Singh, learned AC to GP-22 for the State (in C.W.J.C. No. 6838 of 2021), Mr. Mahtab Alam, learned AC to SC-20 learned counsel for the State (in C.W.J.C. No. 15032 of 2021), Mrs. Binita Singh, learned counsel for the Respondent No. 6 as well as Dr. Anand Kumar and Mr. Ranjan Kumar Srivastava, learned counsel appearing on behalf of the Bihar Rajya Pul Nirman Nigam Limited in all the cases.

2. A 5th supplementary counter affidavit has been filed on behalf of Respondent No. 6 i.e. Senior Project Engineer, Bihar Raj Pul Nirman Nigam Limited. It appears from the 5th supplementary counter affidavit filed on behalf of the Bihar Raj Pul Nirman Nigam Limited, the Pul Nirman Nigam Limited has annexed the chart which suggests that the Pul Nirman Nigam Limited has paid the amount as a compensation to the land holders and he has annexed Annexure-R/N which suggests that a number of land holders have got money in lieu of the compensation by the Pul Nirman Nigam Limited.

3. Learned counsel for the petitioners in C.W.J.C. No. 6838 of 2021 has drew the attention of this Court in paragraph nos.



4 and 6 of the 5th supplementary counter affidavit filed on behalf of the Senior Project Engineer, Bihar Raj Pul Nirman Nigam Limited which is reproduced hereinbelow :

“4. That during the pendency of the writ application, compensation has already been disbursed to 120 landowners out of a total of 211 (including some of the petitioners), whose lands fall within the alignment of the Double Decker Flyover currently under construction in Chhapra Town.

“6. That it is humbly submitted that payment of compensation amount to the rest land owners is going on and it will be done within 2 months after receiving the required documents i.e. Deed relating to the land (if any), Family NOC, Municipal Receipt, Bonds, Aadhar Card etc., from the land owners including the petitioners.”

4. Learned counsel for the petitioners submits that the present case may be disposed of in view of undertaking given by the Bihar Raj Pul Nirman Nigam Limited in paragraph nos. 4 and 6 of the 5th supplementary counter affidavit which is quoted hereinabove and petitioners are required to submit the requisites documents as required by the Bihar Raj Pul Nirman Nigam Limited and the Pul Nirman Nigam Limited is directed to examine



the documents of the petitioners and take a decision within a period of six weeks and pay the compensation amount to the petitioners those who have not received the compensation amount and the Bihar Raj Pul Nirman Nigam Limited is directed go ahead for the construction of Double Decker Flyover from Bhikhari Thakur Chowk to Bus Stand in Chapra Town.

5. With the aforesaid observations and directions, the writ petitions stand disposed of.

(Rajesh Kumar Verma, J)

Ibrar//-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	20.02.2025
Transmission Date	N.A.

