

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5926 of 2017

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Vishundeo Sharma Son of Late Sakhi Charan Sharma, resident of Village-
Arwa, P.O.- Bachhwara, P.S.- Bachhwara, Distt.- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Rural Works Department, Government of Bihar,
Patna.
3. The Chief Secretary, Government of Bihar, Patna.
4. The Director, Department of Land Acquisition and Rehabilitation, Bihar
Irrigation Bhawan, Patna.
5. The Collector of the District D.M., Begusarai.
6. The Land Acquisition Officer, Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Kumar Malendu, Advocate
For the Respondent/s	:	Smt.Archana Meenakshee, GP-6
		Mr. Rana Veer Prawar, AC to GP-6

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 02-09-2025 Heard Mr. Kumar Malendu, learned counsel for the

petitioner and Mrs. Archana Meenakshee, learned G.P.-6

2. The present petition has been preferred for the
following relief/s:

*(i) direction, to the respondents to pay
compensation to the petitioner in terms of
the provision of The Right to Fair
Compensation and Transparency in Land
Acquisition and Resettlement Act, 2013 (In
short Act 2013) for the lands in question*



measuring 9 Kathas approx (Dimension 7 Chains X 30 Links) over which a road has been constructed without acquiring the same under the said Act and for which a Decree (Anx-3) has also been made by the competent Court. The description of the land is being given herein after in para-4, 6 and 7;

(ii) directing the Respondents-authorities to make provisions of rehabilitation and resettlement as envisaged u/31 of the said Act 2013 including employment to a member of the petitioner's family;

(iii) direction to pay compensation to the petitioners with respect to the loss incurred due to destruction of standing crops over the lands in question digging out the soils on the lands in question making it uncultivable by the respondents for making the aforesaid road in violation of provisions of the said Act and Rules;

(iv) direction, alternatively, to the



respondents to remove the aforesaid road and hand over the lands of the petitioner, description is given below (Para 6 and 7), after filling by soil which was unauthorizedly dug out by the respondents, as has been decreed by the competent court in Title Suit no. 191/07 vide Judgment and decree dated 27.5.15 (Anx-3).

3. The claim of the petitioner is that despite Title Suit decided in his favour, the respondent authorities chose to construct the road upon his land forcing him to invoke writ jurisdiction.

4. In this case, counter affidavit has been filed on behalf of the respondent.

5. Learned State counsel has taken this Court to the counter affidavit filed personally by the respondent no.2, the Principal Secretary, Rural Works Department, Government of Bihar, Patna specially para-9 which read as follows:

9. That in turn to the aforesaid letter the Circle Officer, Bachhawara got the land measured by Circle Amin, Bachhawara and submitted



measurement report thereof vide his letter no.925, dated 15.09.2018 on perusal whereof it is evident that the land as has been described by the petitioner in paragraph no.7 of writ petition has not been used/encroached in construction of the road.

6. This counter affidavit was served upon the learned counsel for the petitioner on 19.08.2018 and seven years later, there is no rejoinder to it.

7. This Court has to accept the averment made by the State through one of the highest authority, Principal Secretary, Rural Works Department, Government of Bihar, Patna that no construction has been made on the land of the petitioner.

8. In that background, no case is made out, the writ petition is dismissed.

(Rajiv Roy, J)

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