

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21777 of 2014

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Sri Arjun Sharma, Son of late Ram Sewak Sharma R/o Village- Itwan Wajirpur, P.S. Pouthu, District- Aurangabad. Presently residing at Ari Krishna Nagar, Ward No. 19, Near Ice Factory, Aurangabad, District- Aurangabad.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Chief Secretary, Government of Bihar, Patna.
3. The Secretary, Rural Department, Bihar, Patna.
4. The Secretary, Rural Works Department, Bihar, Patna.
5. The District Magistrate, Aurangabad, District-Aurangabad
6. The Chief Engineer, Rural Works Department, Aurangabad.
7. The Executive Engineer, Rural Works department, Aurangabad, District-Aurangabad.
8. The Assistant Engineer, Rural Works Department, Aurangabad, District-Aurangabad.
9. The Junior Engineer, Block Haspura, District -Aurangabad.
10. The Block Development Officer, Block Haspura, District-Aurangabad.
11. The Panchayat Secretary, Koilwan Panchayat, Block Haspura, District-Aurangabad.
12. The Mukhiya, Koilwan Panchayat, Block Haspura, District-Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar, Advocate
For the State : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL JUDGMENT

Date : 13-02-2025

Heard Mr. Ajit Kumar, learned counsel for the petitioner and learned counsel appearing on behalf of the State.

2. The present writ petition has been filed for the following relief/s;

(I) For declaration that PCC Road constructed by the respondent authorities particularly respondent no. 2,3 and 4 over the raiyati land of the petitioner as illegal construction since it has



been constructed without obtaining consent of the petitioner.

(ii) For issuance of writ in the nature of mandamus directing the respondent authorities to immediately remove the aforesaid mentioned illegal construction from the raiyati land of the petitioner because the said land was meant for construction of residential house of the petitioner.

(iii) For issuance of writ in the nature of mandamus commanding upon the respondents damages of Rs. 1 Lac for unauthorized occupation and tress pass of the petitioner's land.

(iv) For payment of cost of legal proceedings and any other consequential relief/ reliefs for which the petitioner is entitled by this Hon'ble Court in the facts and circumstances of the case.

3. Learned counsel for the petitioner submits that the petitioner is owner of the property which arising acquired and Khata No.67, Plot No. 564 area measuring 1 ½ decimal of land. The petitioner has purchased the land in the year, 1996 and he come to know that State authority has constructed the PCC road in his raiyati land which is approximately 20 feet in length and 11 feet in width. Learned counsel for the petitioner has filed the application before the Mukhiya and other authority concerned but no action has been taken by the authority concerned then the petitioner has moved before this Court.



4. Learned counsel for the State has filed a supplementary counter affidavit stating therein that the State authority is ready to pay the compensation in accordance with law after the measurement of the land in question.

5. Learned counsel for the petitioner on instruction submits that the petitioner is not ready to accept the compensation from the authority concerned and he is adamant not ready to give the land in question to the authority concerned.

6. In view of the aforesaid, the respondent authority i.e. respondent no.5 (The District Magistrate, Aurangabad, District-Aurangabad) is directed to take appropriate step to compensate the petitioner in terms of compensation in accordance with law after hearing the petitioner in person within a period of six months from the date of receipt/production of a copy of this order.

7. With the aforesaid direction, the writ petition stands disposed of.

(Rajesh Kumar Verma, J)

ajay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14.02.2025
Transmission Date	NA

