

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3942 of 2017

1. Rajeshwar Singh
 2. Yogendra Prasad Singh
 3. Rajendra Prasad Singh All Sons of Late Chhote Lal Singh, Resident of Village- Sabalpur, P.S.- Rajgir, District- Nalanda, At Biharsharif.
- Petitioner/s

Versus

1. The State Of Bihar
2. Principal Secretary, Road Construction Department, Government of Bihar, Patna. null null
3. Chief Engineer, Road Construction Department, Government of Bihar, Patna.
4. District Magistrate, Nalanda, Biharsharif.
5. Executive Engineer Road Construction Department, Road Division, Office Biharsharif, Nalanda.
6. Sub- Divisional Engineer, Road Division Officer, Rajgir.
7. Circle Officer, Rajgir, District- Nalanda, at Biharsharif.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Dinu Kumar, Advocate
	:	Mr. Himja Gautam Singh, Advocate
	:	Mr. Arvind Kumar Sharma, Advocate
For the State	:	Mr. Mahendra Prasad Verma, AC to SC-20

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 09-09-2025 Mr. Dinu Kumar, learned counsel for the petitioners submit that petitioner no.2, Yogendra Prasad Singh is no more and as such, the case against him be dismissed.

2. Heard the parties.

3. The present petition has been preferred for the grant of following relief(s):

*“(a) for commanding the state
respondent concerned including Executive
Engineer, Road construction Department, Road*



Division, Biharsharif at Nalanda to make payment of compensation amount of land being Khata no. 470 Plot no. 1443 having an area of 0.01150 acres situated in village under thana no. 485 Bhaktiyaarpur Ward no. 9 under mauja Rajgir; thana Rajgir, Biharsharif, District Nalanda which has been acquired pursuant to press notice dated 29.02.2016 issued by Executive Engineer, Road construction Department, Road Department Biharsharif for construction of road at the cost of government money under perceptual lease.

(b) also for directing the respondent to make 12% interest over the compensation amount land of petitioner relating to land acquired of the petitioner which was not been paid to the petitioner.

(c) and also for necessary relief/reliefs, order/orders, direction/directions for which the petitioner will be entitled in the law as well as in the facts of the case.”

4. The matter relates to the land of the petitioners at Rajir (Khata No. 470, plot no. 1443, area 0.01150 acre) under



Thana No. 485, P.S. Rajgir, District-Nalanda. The claim is that the respondent Road Construction Department started construction of the road/link road near INDO-HOKKE Hotel, SH-71, Chabilapur which included their land. Though the road has been constructed, no payment was made while other have already received it.

5. Counter affidavits have been filed on behalf of the Executive Engineer, Road Division, Biharshari representing respondent nos. 2, 3, 5 and 6 as also by the Circle Officer, Rajir, Nalanda on behalf of the respondent no.4 and 7 and the sum and substance of both the affidavits is/are that pursuant to the publication of notice on 29.02.2016 for acquisition of land under perpetual lease for construction of link road between from INDO-HOKKE Hotel to SH-71(Chabilapur), this land was considered for acquisition but as the petitioners refused to give the consent, they did not move further.

6. It has further been recorded that under Bihar Raiyati Lease Policy, 2014, the consent of the landholder is essential for leasing under perpetual lease and no land can be leased under the said procedure in absence of their consent. As such, this land was not used for construction and the respondents are fully justified in non-payment of compensation against this land.



7. This counter affidavit was served upon learned counsel for the petitioners on 02.04.2019 (of respondent no.2,3,5 and 6) and 05.08.2019 (respondent no. 4 and 7). There is no rejoinder on behalf of the petitioners.

8. Learned counsel for the petitioners submit that wrong affidavits have been filed and they shall be taking the matter before appropriate authority/competent court so that they get the compensation amount for which they are entitled to. One more submission has been made that during the pendency of the petition, petitioner no.2, Yogendra Prasad Singh died but in absence of instruction, appropriate for substitution was not made.

9. Considering the submissions of the parties as also the materials on record, the affidavits of the respondents which has/have not been rebutted, it is clear that the land in question has not been taken for using the link road, as stated above and thus the respondent were justified in non-payment of compensation. In that background, no relief can be extended to the petitioners.

10. Accordingly, the writ petition stands dismissed.

(Rajiv Roy, J)

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