

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3215 of 2024

1. Amit Kumar Son of Sri Baidhanath Chaudhary, Resident of village - Hariprasad, Bishanpur Khem, P.O. Madai, P.S. Jandaha, District - Vaishali.
2. Umesh Chaudhary, Son of Late Ram Shobhit Chaudhary, Resident of village - Hariprasad, Bishanpur Khem, P.O. Madai, P.S. Jandaha, District - Vaishali.
3. Narendra Chaudhary, Son of Shivchandra Chaudhary, Resident of village - Hariprasad, Bishanpur Khem, P.O. Madai, P.S. Jandaha, District - Vaishali.
4. Pawanesh Jha, Son of Rambahadur Jha, Resident of village - Hariprasad, Bishanpur Khem, P.O. Madai, P.S. Jandaha, District - Vaishali.
5. Sunaina Devi, Wife of Rajendra Prasad, Resident of village - Hariprasad, Bishanpur Khem, P.O. Madai, P.S. Jandaha, District - Vaishali.
6. Upendra Chaudhary, son of Late Ambika Chaudhary, Resident of village - Hariprasad, Bishanpur Khem, P.O. Madai, P.S. Jandaha, District - Vaishali.
7. Suman Chaudhary, Son of Late Triveny Chaudhary, Resident of village - Hariprasad, Bishanpur Khem, P.O. Madai, P.S. Jandaha, District - Vaishali.
8. Ajay Chaudhary son of Late Vishwanath Chaudhary, Resident of village - Hariprasad, Bishanpur Khem, P.O. Madai, P.S. Jandaha, District - Vaishali.
9. Amresh Chaudhary, Son of Bishundev Chaudhary, Resident of village - Hariprasad, Bishanpur Khem, P.O. Madai, P.S. Jandaha, District - Vaishali.
10. Ankit Chaudhary @ Ankit Kumar, son of Sri Ramesh Chaudhary, Resident of village - Hariprasad, Bishanpur Khem, P.O. Madai, P.S. Jandaha, District - Vaishali.
11. Nandlal Chaudhary, Son of Late Bashishth Chaudhary, Resident of village - Hariprasad, Bishanpur Khem, P.O. Madai, P.S. Jandaha, District - Vaishali.
12. Manoj Choudhary, Son of Sri Nageshwar Chaudhary, Resident of village - Hariprasad, Bishanpur Khem, P.O. Madai, P.S. Jandaha, District - Vaishali.
13. Sarvan Chaudhary, Son of Late Ramadhary Chaudhary, Resident of village - Hariprasad, Bishanpur Khem, P.O. Madai, P.S. Jandaha, District - Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secondary Department of Revenue and Land Reforms, Govt. of Bihar, Patna.
2. The Director, Directorate of Land Acquisition Govt. of Bihar, Patna.
3. The District Magistrate cum Collector Vaishali at Hajipur.
4. The District Land Acquisition Officer, Vaishali at Hajipur.
5. The Circle Officer, Circle Jandaha District Vaishali at Hajipur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Vyas Kumar Mishra, Advocate
For the Respondent/s : Mr. AC to SC-23

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA



ORAL ORDER

3 24-04-2025 1. Heard learned counsel for the petitioners and learned AC to SC-23 for the State.

2. Learned counsel for the petitioners submits that the instant writ application has been filed seeking a direction upon the concerned respondents to pay compensation to the petitioners of their land acquired for construction of road under Gramin Tola Sampark Nischay Yojana (GTSNY) on perpetual lease executed under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 vide letter no. 1492 dated 18.05.2023 issued by the office of the Revenue and Land Reforms with statutory interest and other benefits provided under the Land Acquisition Act, 2013.

3. Learned counsel for the petitioners submits that a counter affidavit has been filed on behalf of the Circle Officer, Jandaha, Vaishali wherein at para 4 it has been recorded that the writ application filed by the petitioners is misconceived and misleading as the District Land Acquisition Officer has not received any requisition to acquire the land for construction of the road in question. Actually, the road has been constructed by Rural Works Department and, as such, authorities concerned with the said department are responsible to make payment to the



petitioners and other persons of their land acquired in construction of the road in village Har Prasad Vishanpur from the house of Sanjay Choudhary to the house of Rajendra Paswan passing in between through the house of Amit Choudhary. Further, at para 5, it has been recorded that the writ application suffers from the defect of non-joinder of necessary parties i.e. the Road Rural Works Department has not been impleaded as a party respondent in the instant writ application.

4. Learned counsel appearing on behalf of the petitioners submits that from the counter affidavit filed on behalf of the Circle Officer, Jandaha, Vaishali what stands admitted is that the land of the petitioners was taken on lease for the aforesaid project of constructing the road but then the compensation is to be paid by the Rural Works Department, as such, the compensation is to be paid by the Rural Works Department and since the Rural Works Department has not been impleaded as a party respondent, as such, the writ application is fit be dismissed. It is further submitted that since the land has been acquired by the authorities for the aforesaid project, as such, petitioners are entitled for compensation, whether the compensation is paid by the Rural Works Department or by any other department of the State is not the concern of the



petitioners.

5. At this stage, learned State Counsel submits that he had personally sought instruction from the Executive Engineer, Works Division, Mahnar on his mobile no. 8340142629 at 12:35 p.m. on 24.04.2025 from his mobile no. 8825342098. It is further submitted that the Executive Engineer, Works Division, Mahnar has instructed to make submission that the documents wanting on behalf of the petitioners have been submitted and the payment of the compensation shall be made within a period of one month from today.

6. After hearing the learned counsel for the parties, the writ application is disposed of with a direction to the concerned authorities of the Rural Works Department to ensure that the payment of compensation to the petitioners for their acquired land is paid within a period of 45 days from the date of receipt/production of a copy of this order in terms of the instruction sought by the learned State Counsel from the Executive Engineer, Works Division, Mahnar, in accordance with law.

(Satyavrat Verma, J)

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