

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9341 of 2026

1. Rekha Devi, Wife of Late Madhusudan Paswan, Resident of Village-Ishanagar Sahri, Post Office- Karkain, Police Station- Ghoshwari, District-Patna.
2. Janardan Paswan, Son of Late Chandrika Paswan Resident of Village-Ishanagar Sahri, Post Office- Karkain, Police Station- Ghoshwari, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Collector, Patna, District- Patna.
3. The Circle Officer, Ghoshwari, District- Patna.
4. The Chief Engineer Rural Patna/Gramin Work Department, Work Division, Bihar, Patna.
5. The Executive Engineer Gramin/Rural Work Department, Work Division, Barh, Patna.
6. The Superintending Engineer Rural/Gramin Work Department, Work Circle, Bihar (Patna).
7. The Secretary Rural Work Department, Government of Bihar, Patna.
8. The Joint Secretary Rural Work Department, Bihar, Patna.
9. The Land Acquisition Officer, Patna, District- Patna.
10. The Public Information Officer cum Executive Engineer, Rural Work Department Work Division (Parmandal) Barh, District- Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Chandra Sen Prasad Singh, Advocate
For the Respondent/s : Mr. Ajay Bihari Sinha, GA 8

CORAM: HONOURABLE MR. JUSTICE RANA VIKRAM SINGH
ORAL ORDER

2 03-07-2026 Heard learned counsel for the petitioners and Mr. Ajay Bihari Sinha, learned GA 8 appearing on behalf of the State.

2. By preferring the present writ application, the petitioners have prayed for direction to the various respondents, who have allowed construction of road on the raiyati land of the

petitioners without following due procedure of acquisition of the said land for payment of due amount of compensation in terms of the extant rules.

3. The raiyati land of the petitioners situated in Mauza-Balwa, Halka Trimuhan, Khata nos. 154, 160, 161, 168, Khesra no. 105, 108, 93, 120, 99, 80, Area 18 Acre 51 decimal in Circle Office Ghoswari, has been used for construction of Link Road connecting the village to the State Highway No. 33.

4. It has been submitted that without acquiring the raiyati land of the petitioners, the road has been constructed and no compensation amount has been paid to the petitioners. The land is said to have been acquired in the year 2021-22 and since then petitioners have running from pillar to post by filing different representations to the respondents but no action has been taken thereon.

5. The petitioners have filed an application seeking information from the Office of the Executive Engineer, Rural Works Department, Work Division, Barh as to whether the land has been acquired before the construction of road and further whether any no objection certificate has been issued for construction of the road over his piece of land. Vide Annexure P-2 as appended to the writ application, information was

supplied to them vide Memo No. 864 dated 21.05.2025 by the Executive Engineer, Rural Works Department, Work Division Barh, categorically furnishing information that the land has not been acquired nor no objection Certificate has been issued prior to construction of the road over the land of petitioners from the Office of the Executive Engineer, Rural Works Department, Work Division, Barh.

6. As submitted, the road has been constructed from Balwa to Sadaha Road by the firm namely M/s Shivnar Construction Pvt. Ltd. under MR-3054 Scheme and further construction over the said piece of land is still going on, which is evident from Annexure P 3 appended to the writ application.

7. Petitioners highlighting their grievances, had filed their representation on 27.06.2022 before the Collector, Patna praying therein for award of compensation for their land over which road has been constructed and still constructions are going on without following due process of acquisition of the same but till date the Collector, Patna has not take any steps nor has passed any order directing the authorities for payment of amount of compensation to the petitioners.

8. At this stage, learned counsel appearing on behalf of the State fairly submits that from the documents especially

annexure p-2 & p-3 it appears, road is being constructed over the land of the petitioners, so in view thereof, he further submits, it would be suffice if necessary directions are issued to the concerned authorities for making payment of the compensation after following the due process of acquisition of the said land.

9. Heard learned counsel for the parties and their respective submissions, it is evident from the documents placed on record that road has been constructed and still constructions are going on over the raiyati land of the petitioners without even having acquired the same following the due process of law. Interest of the petitioners has been jeopardized on account of construction of the road and that too without even issuing any notice to them and without having acquired the said land, the respondent authorities especially Rural Works Department Works Division, Barh, has allowed such construction to be made by the private contractor, M/s Shivnar Constructions Pvt. Ltd. and petitioners' grievance has not been taken care of, in spite of, repeated request and reminders for the same.

10. It is not in dispute that the road has been constructed and still construction is going on, as evident from Annexure P-3, over the land of the petitioners. It is also not in dispute that the

land of the petitioners has not been duly acquired by following the due process of law. It is clearly evident that no compensation has been paid thereon. It is simply incomprehensible that how the authority especially the Office of the Executive Engineer, Rural Works Department, Work Division, Barh has allowed such construction to be made over the private/raiyati land of the petitioners without having acquired the same and without even issuing notice to them prior to granting such permission to the contractor. It is also not clear that which provision of law/statute/ circular of the government order has authorized the Executive Engineer, Rural Works Department, Work Division, Barh to grant permission for construction of road over the raiyati land of the petitioners. Thus the action of the respondents are not only contrary to the settled principles of law but also reflects the misuse of authority vested in them. Their action have no sanction in the eyes of law rendering it arbitrary and wholly without jurisdiction.

11. In this backdrop, this Court is left with no option but to issue a direction to the District Magistrate-cum-Collector, Patna to personally look into the matter and take all remedial measures to ameliorate the grievances of the petitioners without any further delay and having examined the document in this

connection and having heard all the concerned parties, pass necessary orders for making payment of the compensation to the petitioners after acquiring the land of the petitioners within a period of three months from the date of receipt of this order.

12. The petitioners are directed to file a fresh representation enclosing therewith all the relevant documents showing their right, title and possession over the said piece of land before the District Magistrate-cum-Collector, Patna within two weeks henceforth and having received the same, the Collector, Patna is duty bound to act in accordance with law in terms of the directions issued in preceeding paragraph of this order.

13. Accordingly, this writ application is disposed off in aforesaid terms.

14. Interlocutory application(s), if any, also stands disposed off accordingly.

(Rana Vikram Singh, J)

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