

(2019) 12 PAT CK 0242

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 10344 Of 2019

Ashok Kumar

APPELLANT

Vs

State Of Bihar And Ors

RESPONDENT

Date of Decision : 21-12-2019

Acts Referred:

Citation : (2019) 12 PAT CK 0242

Hon'ble Judges : Ahsanuddin Amanullah, J

Bench : Single Bench

Advocate : Ashutosh Kumar, Anil Kumar, Arvind Kumar, Rakesh Kumar Srivastava

Final Decision : Disposed Of

Judgement

1. Heard learned counsel for the petitioner and learned AC to GP 15 for the State.

2. The petitioner has moved the Court for the following relief:

"That this is an application for issuance of an appropriate writ or writs commanding the respondent authorities to make payment of compensation in lieu of the house which is situated on the land appertaining to Khata No. 91, Plot no. 660, area 10 decimal at Phaldu village on Rajgir Bodh Raj Marg and the same has been illegally demolished without giving any notice to the petitioner after acquisition of said land under N.H.- 82 4 lane project and grant of compensation only for the land acquired, and for any other relief or reliefs for which the petitioner is entitled under the law."

3. The case of the petitioner is that his land on which some building was also constructed, though was acquired and taken by the authorities, the compensation was paid only for the land and not for the building for which he has filed an application. It was pointed out that in the said proceeding, notice was issued to him by the Land Acquisition Officer, Nawada dated 18.03.2019 asking him to be present in the office on 26.04.2019 for further consideration. It was submitted that the authorities have arbitrarily acted in the matter and on

18.04.2019 itself the house was demolished.

4. However, learned counsel submitted that the writ petition be disposed off with a direction to the authorities to take the proceedings to its logical conclusion expeditiously.

5. Having regard to the aforesaid, the writ petition stands disposed off with a direction to the respondent no. 3 to conclude the proceeding which has started on the application of the petitioner seeking compensation of his building also, if already not done, expeditiously and latest within two months from the date of production of a copy of this order before him. It goes without saying that if it is found that a building existed on the land acquired, for which no compensation has been paid, the authorities shall quantify the compensation for such structure, in accordance with law within two months from the date of passing of the order. Any amount found due and payable shall also be paid within one month thereafter.