
(2010) 08 PAT CK 0194
In the Patna High Court
Case No : CWJC No. 13182 of 2010

Bishnudeo Mahto

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 13-08-2010

Acts Referred:

Citation : (2011) 2 PLJR 710

Hon'ble Judges : Sheema Ali Khan, J

Bench : Single Bench

Judgement

Sheema Ali Khan, J.—The Petitioner is aggrieved by the fact that his lands without any acquisition proceedings are being utilized for construction of road under the Prime Minister Rural Road Scheme. It is said that 2 kathas 10 dhurs of land of plot Nos. 1937 and 1938 have already been utilized for the purpose of construction of the road. Presently, the lands appertaining to plot No. 1798 measuring 7 kathas and plot Nos. 1937 and 1938 measuring 5 kathas 8 dhurs are sought to be utilized for the construction of the road without consent of the Petitioner. The said lands are situated in the Village-Sarai Nande Nagar Tamuria (Kachhwa) in the district of Madhubani.

2. The District Magistrate, Madhubani and the Assistant Engineer, Rural Works Department, Jhanjharpur is required to examine the scheme and see whether it is permissible to utilize the raiyati lands of the villagers for the purposes of construction of the road under the scheme aforesaid. If the scheme does not envisage such acquisition, then it would be incumbent upon the Rural Works Department to provide funds for acquisition of the land and start a land acquisition proceeding and pay compensation for such acquisition.

3. All these aspects must be examined by the aforesaid authorities within a period of two months from the date of receipt/production of a copy of this order.

4. The Collector, Madhubani may also consider whether the utilization of raiyati lands without any proceedings and without any order of the competent authority

is permissible and fix the responsibility of such acts.

5. If in the event, it is found that the raiyati land of the Petitioner have been utilized for the construction of the roads, the Collector, Madhubani may send a proposal for grant of funds for starting a acquisition proceedings to the Rural Works Department. The Chief Engineer, Rural Works Department, Bihar, Patna will take steps to provide the funds for the payment of compensation for the utilization of

6. This application is disposed of with the aforesaid directions.