



IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3055 of 2024

Md. Manowar Hussain S/o- Md Mazhar Hussain Resident of Village- At
Madhepur Tola, Bagdola, P.S.- Balrampur, District- Katihar (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through Principle Secretary, Department of Revenue and Land Reforms.
2. The District Magistrate, Purnea.
3. The Circle Officer, Baisi.
4. The Executive Engineer, Rural Works Department, Purnea.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Md. Naushaduzzoha, Advocate Mr. Nafisuzzoha, Advocate
For the State	:	Mr. Raghwanand, GA-11 Mr. Pratik Kumar, AC to GA-11

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 13-10-2025 Heard learned counsel for the parties concerned.

2. The grievance of the petitioner is that the village road has been constructed upon the *raiyati* land of the petitioner by the Rural Works Department, without resorting to acquisition proceeding and without giving any compensation to the petitioner.

3. Learned counsel for the petitioner submits that the petitioner is the owner of the land appertaining to Khata No. 39, Khesra No. 192, 193, and Khata No. 17, Khesra No. 160, 292, 294, 295, 296, 297, 298, 299, 300, 301, 287, 186 having a total area of approximately 30 Acres, situated within Mauza Bagdob





under Baisi Anchal for which *Jamabandi* has been created in the name of the petitioner and his father and they have been paying rent to the Government since long. The rent receipts have been annexed at Annexure-P/1 series.

4. The respondent authorities without acquiring the land of the petitioner and without paying compensation, constructed the road having a length of approximately 1^{1/2} km and the width 20 fit and almost 500 meter road passes through the petitioner's land. Altogether 1 Acre 49 decimal of the land of the petitioner has been used in the construction of road out of the total land of the petitioner of about 30 acres. The details of the petitioner's land, which have been used by the respondent authority in construction of road, is mentioned at page 29 of the counter affidavit filed by Res. No. 2. The petitioner filed a representation to the District Magistrate, Purnea with respect to unauthorized construction of road over the private land of the petitioner, but, till today, no action has been taken for payment of compensation to the petitioner.

5. Learned counsel for the State submits that it is true that the road has been constructed by the Rural Works Department on some portion of the private land of the petitioner and the Divisional Commissioner, on the petition filed by the





petitioner by its order dated 09.04.2024, directed Rural Works Department to initiate the process of acquisition of the land with the help of the C.O. on the basis of long lease with the help of six members committee headed by the District Magistrate, Purnea.

6. The Executive Engineer Rural Works Department vide his letter No. 1386 dated 06.06.2024 made a request to the Circle Officer, Baisi to provide detailed report with respect to the status of the land of the petitioner in order to ascertain as to how much land of the petitioner has been used for construction of the road in question.

7. The Circle Officer, Baisi submitted a report dated 28.06.2024 stating that the measurement of the road was done by Anchal Amin and it was found that the road has been constructed over the land appertaining to Khata No. 17, Khesra No. 160, 186, 295, 287, 300, 301, Khata No. 28, Khesra No. 185, Khata No. 05, Khesra No. 183, 181, Khata No. 31, Khesra No. 291 and Khata No. 02, Khesra No. 281 having total area of about 1.49 Acres. The report further states that the Revenue Clerk submitted a report stating that Jamabandi of the land over which road has been constructed is recorded in the name of Manowar Hussain and Majhar Hussain i.e. petitioner and his





father. A notice was issued to the petitioner by the Circle Officer for submitting the documents with respect to the subject property. But the petitioner only submitted the document relating to land appertaining to Khata No. 17 admeasuring an area of 7.35 acres out of 21.43 Acres.

8. I have heard learned counsel for the parties and gone the materials on record. From perusal of the report of the Circle Officer as well as Anchal Amin, it is clear that the land is recorded under Jamabandi Nos. 60(k), 57 and 337. Petitioner has annenxed the rent receipts having Jamabandi Nos. mentioned at the top and the Khesra Nos. mentioned therein to show that Jamabandi has been running in the name of the petitioner for the subject land. Accordingly, the letter of the Circle Officer that petitioner has not submitted the documents with regard to the land situated at Serial No. 1 of his letter dated 28.06.2024 is without any basis and is inconsequential.

9. In view of the aforesaid discussion, the District Magistrate, Purnea is directed to ascertain the rate of the land of the petitioner used for construction of road by the Rural Works Department for payment of compensation to the petitioner within a period of four months from today. After ascertaining the rate within 04 months, the payment of compensation shall be





made to the petitioner within a period of one month thereafter.

10. The entire exercise has to be completed within five months from today.

11. Accordingly, the present application stands disposed of.

(Anil Kumar Sinha, J)

Siwani/-

U			
---	--	--	--

