

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.12692 of 2014**

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1. Mithlesh Kuma Singh S/o Late Birendra Prasad  
2. Randhir Prasad Singh S/o Heera Prasad Singh  
3. Sanjeev Kumar Singh S/o Shri Jawahar Prasad Singh All R/o village  
Alamnagar, P.S. Alamnagar, District- Madhepura.

.... .... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Rural Development  
Department, Govt. of Bihar, Patna.  
2. The Principal Secretary, Rural Development Department, Govt. of Bihar,  
Patna.  
3. The Executive Engineer, Rural Work Department, Work Division,  
Udakishanganj, District- Madhepura  
4. The District Magistrate, Madhepura, District Madhepura  
5. The Sub Divisional Officer, Udakishunganj, District- Madhepura.  
6. The Block Development Officer, Alamnagar, District Madhepura.  
7. Sri Sanjay Kumar Yadav, S/o not known Village- Sahugarh, P.S.+ Distt-  
Madhepura.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Sharda Nand Mishra, Adv.  
For the Respondent/s : Mr. G. Bose, AAG-8

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**CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN**  
**ORAL ORDER**

4      24-12-2014      Learned counsel for the parties are present.

The complaint of the petitioner is that the authorities of the  
Rural Works Department in the District of Madhepura are  
constructing a road which passes through the raiyati land of the  
petitioner bearing Khata No. 567 Khesra No. 2423 admeasuring  
34 decimals and Khata No. 986 Khesra No. 2452 admeasuring 96  
decimals.

It is the complaint of the petitioner that before undertaking



the project, neither any consent has been taken by the authorities nor have they followed the due process of law for carrying out construction on the raiyati land of the petitioner. Considering the grievance raised by the petitioners, the respondents were directed to file their response and pursuant to the direction, a counter affidavit has been filed by Sri Ram Ratan Ram, the Executive Engineer, Rural Works Department, Udakishanganj, District Madhepura.

Mr. Ajay Kumar, learned A.C. to A.A.G. 8 with reference to paragraphs 7 to 10 of the counter affidavit has submitted that although initially the project was to continue up to 850 meters crossing the land of the petitioner but in view of the circumstances noticed and the objections herein, now the construction is going to be restricted up to 339 meters only and which is completely on the government land and that no construction would be made on any private land. He thus submits that in view of the decision taken by the respondents, the petitioner should have no grievance.

Taking note of the submission made by learned State counsel in the light of the statement made in paragraphs 7 to 10 of the counter affidavit filed on behalf of the Executive Engineer, learned counsel for the petitioner prays for disposal of the writ petition with direction to the respondents to abide by their

statement.

Having heard learned counsel for the parties and taking note of the circumstances as emanating from the counter affidavit filed by the Executive Engineer, in my opinion, the petitioner should have no apprehensions and once a stand has been taken by the Executive Engineer before this Court that no construction would be made on the land of the petitioner then he is bound by the same.

With the observations aforementioned, the writ petition is disposed of.

**(Jyoti Saran, J)**

Bibhash/-

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