

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14441 of 2015

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1. Dr. Krishna Nandan Singh S/o late Kamleshwari Nandan Sinha
2. Neelam Singh W/o Dr. Krishna Nandan Singh Both resident of Girja Sadan ward
No. 15, town+P.S+Dist- Sheohar, At Present residing at 7 Patiliputra colony ,Patna-
800013

.... Petitioners

Versus

1. The State of Bihar through the Commissioner -cum-Secretary,PWD.
2. The Commissioner -cum-Secretary, PWD (Roads) Govt. of Bihar, Patna.
3. The Collector ,Sheohar.
4. The Sub Divisional Officer ,Sheohar.
5. The Deputy Collector land Reforms, Sheohar.
6. The Circle Officer, sheohar.
7. The Executive Engineer, N.H. Division, Sitamarhi.

.... Respondents

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Appearance :

For the Petitioners : M/s Abhimanyu Sharma, Prakritita Sharma and
Dr. Kamal Deo Sharma, Advocates
For the State : M/s Pushkar Narain Shahi, AAG10 and
Patanjali Rishi, AC to AAG 10

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 10-12-2015

I have heard parties and perused the records.

The writ application has been filed by the petitioners seeking direction to the respondents not to construct any road by extending the width of NH 104 and forcibly encroaching part of the raiyati land belonging to the petitioners on the southern flank of the road without proper acquisition in accordance with law.

A counter affidavit has been filed on behalf of the respondent nos. 1, 2 and 7 taking a categorical stand that no part of the petitioners' land has been touched or encroached in the process of

construction of the road concerned. It has further been stated that the road is situated over plot no. 5160 on which road as well as the drain both are there and in the southern flank just after the drain petitioners' land is admittedly there. It has been further clarified that there is no land between the petitioners' lands and the land of road and the drain and, in course of construction of road, small part of drain situated on the southern part of the road got damaged.

That being the situation, this writ application is being disposed of with a direction to the State authorities to construct the damaged part of the drain maintaining its original alignment to ensure free flow of water and no part of drain beyond its southern side which is the boundary between the petitioners' land and plot no. 5160 should be utilized for widening of road even in future without its proper acquisition in accordance with law.

(Dr. Ravi Ranjan, J)

Spd/-

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