

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 8560 of 2010

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Chandradeo Prasad S/o Late Sukeshwar Prasad, R/o Vill. Senduriya, P.S.
Bairgania, District Sitamarhi.

.... Petitioner

Versus

1. The State of Bihar
2. The District Magistrate cum Collector, Sitamarhi.
3. The Deputy Development Commissioner, Sitamarhi.
4. The Sub-divisional Officer, Sitamarhi.
5. The Block Development Officer, Bairgania, District Sitamarhi.
6. The Circle Officer, Bairgania, District Sitamarhi.
7. The Superintending Engineer, Rural Works Department, Muzaffarpur Division.
8. The Executive Engineer, Rural Works Department, Sitamarhi-cum-Sheohar.
9. The District Land Acquisition Officer, Sitamarhi.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Devendra Kumar
Mr. Surendra Kishore Thakur

For the Respondent/s : AC to PAAG

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

7. 06-05-2015 Heard learned counsel for the petitioner and learned
A.C. to Principal Addl. Advocate General.

The petitioner, invoking writ jurisdiction of this Court under Article 226 of the Constitution of India, has prayed for directing the respondents not to construct public road on the private/residential land of the petitioner without any acquisition and compensation.

In this case, a counter affidavit has been filed and specific stand has been taken by respondent no. 4 to 6 that private

land of the petitioner has not been used for the purpose of construction of road, rather on the basis of report, a stand has been taken that on some portion of government land, there was encroachment by the petitioner. In sum and substance, it has been indicated that road was constructed on government land, not on any private land. Alongwith counter affidavit, the State has also brought on record a report submitted by Amin giving sketch.

Ofcourse a reply has been filed to the counter affidavit by the petitioner, but the averment made in the counter affidavit has not been denied in specific terms.

In view of the facts and circumstances, particularly; the fact disclosed in the counter affidavit, I do not find any ground to interfere with the matter.

The writ petition stands dismissed.

(Rakesh Kumar, J.)

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