

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3631 of 2015

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1. Ram Charitra Singh
2. Jyotish Chandra Singh Both sons of Late Brahmdeo Singh null
3. Amarendra Chaudhary Son of Tarani Chaudhary
4. Ram Chandra Chaudhary Son of Late Narsingh Chaudhary
5. Jawahar Chaudhary son of Punit Lal Singh
6. Awadhi Singh son of Jattu Singh All are residents of village - Naya Gawn,
Shiromani Tola, Ward No. 11, Behind Durga Mandir, Gram Panchayat -
Zorawarpur, Police Station - Parabatta, District - Khagaria

.... Petitioners

Versus

1. The State of Bihar
2. The Collector, Khagaria
3. The Sub Divisional officer, Khagaria
4. The Circle officer, Parabatta, District - Khagaria
5. Mukhiya, Gram Panchayat - Zorawarpur
6. Panchayat Secretary, Gram Panchayat - Zorawarpur

.... Respondents

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Appearance :

For the Petitioners : Mr. Dronacharya, Advocate
For the State : Mr. Ravi Verma, AC to GP 12

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 23-09-2015

Heard learned counsel for the petitioners and the State.

Petitioners' allegation is that an Aganwari Centre is being constructed upon the plot no. 1522 which is a village road which will result in untold miseries to the villagers and not only that it will block the ingress and egress of the villagers.

It is well settled that public road or even public land cannot be utilized for any other purpose than for what it has been earmarked. State Government has issued notification in this regard



that under certain circumstances, v.i.z., when the nature of land has changed etc., the State Government and now perhaps the Collector of the concerned district can take a decision for its use otherwise than one same which has been described in khatian etc. However, public road or its land or the land left out of future widening of the concerned public road cannot be utilized for any other purpose. The petitioners' claim that they have approached the Collector of the District but he has not been informed any decision having taken in this regard.

Accordingly, I dispose of this writ application with a liberty to the petitioners to once again approach the District Magistrate – cum – Collector of Khagaria by filing a detailed representation setting out their claim along with the documents if any in its support. On such representation having been filed let the District Magistrate – cum – Collector examine the matter and pass a reasoned order on the issue as to whether there has been any illegal construction even by the State authority or by the Gram Panchayat on public land or rasta. The decision taken should be immediately communicated to the petitioners. If the Collector comes to the conclusion that the Aganwari centre has illegally been constructed without any prior permission of the competent authority upon public rasta then he would be required to ensure remedial action also. It is

expected that the aforesaid exercise should be completed within a period of four months from the date of filing of such representation along with a copy of this order.

(Dr. Ravi Ranjan, J)

Spd/-

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