

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19319 of 2014

With

I.A. No. 8444 of 2014

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Braj Mohan Prasad, son of Late Harihar Sah, resident of Village- Bhataulia,
P.O. & P.S. - Goroaul, District- Vaishali (Hajipur).

.... Petitioner/s

Versus

1. The Union of India through the Ministry of Road Transport and Highway, New Delhi.
2. National Highway Authority of India through its Regional Officer, Regional Office, Patna.
3. The Project Director, National Highways Authority of India, Ramashish Chowk, Hajipur, District - Vaishali.
4. The State of Bihar, through the Principal Secretary, Department of Land Reforms and Revenue, Government of Bihar, Patna.
5. The Inspector General of Police, Tirhut Range, Muzaffarpur.
6. The Deputy Inspector General of Police, Tirhut Range, Muzaffarpur.
7. The District Magistrate, Vaishali.
8. The Superintendent of Police, Vaishali.
9. The District Land Acquisition Officer, Hajipur, District- Vaishali.
10. The Sub Divisional Officer, Mahua Sub Division, District- Vaishali.
11. The Block Development Officer, Goraul Block, District- Vaishali.
12. The Circle Officer, Goraul Block, District- Vaishali.
13. The Officer-In-Charge, Goraul Police Station, District- Vaishali.
14. Mahadeo Sah, son of Late Kishuni Sah, Village - Inayat Nagar, P.O. & P.S. - Goraul, District - Vaishali (Hajipur).
15. Mostt. Sunaina Devi, wife of Late Shivji Sah, Village - Inayat Nagar, P.O. & P.S. - Goraul, District - Vaishali (Hajipur).

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Pawan Kumar Mr. Shakib Ayaz
For the Respondent-State	:	Mr. Jai Shankar Barnawal, GA-5
For the Union of India	:	Ms. Kanak Verma, CGC
For the Private Respondent	:	Mr. Krishna Kant Singh

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL ORDER

2 27-01-2015

Although this writ petition is listed under the heading

‘For orders on petitions’ for interim order but with consent of the parties it has been taken up with a view to its final disposal at this stage itself.



Heard Mr. Pawan Kumar, learned counsel appearing for the petitioner, learned counsel for the State, Ms. Kanak Verma, learned Central Government Counsel for the Union and Mr. Krishna Kant Singh for the private respondents.

In substance the petitioner is aggrieved by the action of the private respondent no.14 and 15, whereby his access to the main road has been blocked by construction of a boundary wall over plot no.721 of khata no.39 situated in Village- Enayat Nagar, P.O. & P.S. Goraul in the district of Vaishali.

It is not in dispute that the plot in question did belong to the private respondents, however, it is sought to be contended by learned counsel for the petitioner that this plot was acquired by the National Highways Authority of India and compensation was also paid to the private respondents. It is his grievance that although plots stand acquired and compensation has been received by these private respondents but yet they have proceeded to construct the boundary wall. He submits that representations before the district authorities have till date yielded no result.

Having heard learned counsel for the parties and considering the nature of grievance raised in this writ petition this Court is of the opinion that in substance the grievance of the

petitioner is the obstruction to his easementary rights by the private respondents who have caused obstruction of the access available to him to reach the main road.

Whether the land belongs to the private respondents or stands acquired by the National Highways Authority of India would make no difference inasmuch as in either of the circumstances the petitioner would be required to make a prayer for grant of easementary rights to the person concerned.

In my opinion, in such circumstances the remedy for the petitioner would lie before the court of competent civil jurisdiction and he shall be at liberty to avail of the said remedy.

With the observation aforementioned, the writ petition as well as the interlocutory applications are disposed of.

(Jyoti Saran, J)

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