

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11117 of 2011

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Khawaja Gholam Rasul S/O Late Khawaja Ghalam Mustafa R/O Village-
Achchepur, P.S.-Baisi, Distt. Purnia, Presently Residing At Rajiv Nagar
Road, No; 24, Masjid Gali, P.S.-Rajiv Nagar, Patna-24

.... Petitioner/s

Versus

1. The Union Of India Through The Secretary, Department Of Rural
Development New Delhi
2. The Director Of Pradhan Mantri Gramin Sarak Yojna, Purnia Division
Purnea
3. Deputy Development Commissioner, Purnia Distt. Purnea
4. The Executive Engineer, Govt. Karjya Vibhag, Karjya Division Distt.
Purnea
5. The Collector-cum-District Magistrate, Purnia.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Helal Ahmad
For the State Mr. Kinkar Kumar, SC-27

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

3 17-09-2015 Counsel for the petitioner is permitted to implead the

Collector-cum-District Magistrate, Purnia as party respondent no.5

in this writ application.

Heard learned counsel for the petitioner and the State.

A supplementary affidavit has been filed by the
petitioner. The respondent- State has filed a counter affidavit.

A road connecting Achchepur village to Kanharia
village appears to have been taken up by the respondents for
laying out metal road under the flagship scheme of the
government called 'Pradhan Mantri Gramin Sadak Yojna' (for



short 'PMGSY'). The action, in this regard, appears to have been taken in 2008-09. The road has now been laid out. This writ petition raises a grievance that for construction of the said road part of 24 decimal of land purchased by the petitioner on 24.05.1995 has been unauthorizedly used. No information regarding this construction was given to the petitioner with a view to obtain his consent inasmuch as no acquisition was also made.

In the counter affidavit the respondents have stated that the road from Katara Hat (Kanjaria) to Occhepur was already existing. The alignment was fixed after the survey team inspected the existing road. No objection was raised by any person/villagers including the petitioner during such survey. Having found that the road already existed which was being used by the public the same was taken up under the PMGSY and the same has now been metalled. There is no provision for acquisition of the land under the PMGSY. There is nothing on record to indicate that the petitioner raised any objection at the initial stage of the construction of the road in question.

Counsel for the petitioner, on the other hand, states that from bare perusal of Annexure-2 and Annexure-7 it would appear that an objection was raised by the petitioner in this regard.

Considering the rival submissions of the parties, in my

view, a dispute of such nature should not be gone into in the writ jurisdiction. The better course/option for the petitioner is to ventilate his grievance before the respondent-Collector for consideration and disposal in accordance with law. If a representation is filed setting out all relevant facts before the Collector, I am sure the same shall receive due consideration and disposal in accordance with law at the hands of the Collector/District Magistrate within a reasonable period of time.

The writ application is disposed of.

(Kishore Kumar Mandal, J)

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