

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18359 of 2011

Smt.Sangeeta Kumari W/O Shri Surendra Kumar, Advocate (Patna High Court)
Resident Of House No 5c/10 (Devi Niwas), Manna Singh Lane North S.K. Puri,
Patna 800013

.... Petitioner/s

Versus

1. The State Of Bihar through its Chief Secretary, Govt. Of Bihar Patna
2. The Principal Secretary, Revenue and Land Reforms, Govt. Of Bihar, Patna
3. The Principal Secretary, Karmic, Govt. Of Bihar, Patna
4. The District Magistrate, Patna
5. Sub Divisional Officer, Patna City, Patna
6. The Circle Officer, Patna Sadar, Patna
7. The Principal Secretary, Rural Work Department, Govt. Of Bihar, Patna
8. Executive Engineer, N.R.E.P., Patna
9. The Principal Secretary, Urban Work Department, Govt. Of Bihar, Patna

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. SURENDRA KUMAR

For the State Mr. Himanshu Kumar Akela AC to GA 1

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 07-12-2015

Heard.

The instant application seeks a direction restraining the respondents from constructing the road under the National Rural Employment Programme (NREP) over the private land of the petitioner and his other co-sharers appertaining to khatna no. 549, plot no.1140 measuring an area of 1.11 decimal situate in Mauza Sandalpur in the district of Patna.

Several indulgences were granted to the State respondent(s) to file counter affidavit. No counter affidavit has been filed on behalf of the respondents. The petitioner has filed an interlocutory application annexing therewith the sanctioned order issued by the District Urban Development Agency under Patna Collectorate vide letter no.370 dated 18.08.2010 issued under the signature of the

District Magistrate, Patna. The aforesaid order has been filed to demonstrate that under the said Scheme/Project the respondent at item no.6 thereof has passed an order for construction of PCC road and drainage. The writ petition asserts that under the said Project the lands of the petitioner are being used for construction of the PCC road without there being any consent by the petitioner or his other co-sharers.

Under order dated 19.10.2011, this Court, while granting time to the respondents to file counter affidavit, stayed the construction work of the road in question. The casual attitude/approach of the respondents in contesting the litigation in this Court is somewhat regrettable.

Be that as it may, considering the facts and circumstances of the case and after hearing the parties, the writ application is disposed of by directing the petitioner to make a representation before the District Magistrate, Patna about her grievance, as raised in this writ application, together with all relevant papers/documents within four weeks. The District Magistrate shall call an enquiry to be made in this regard and pass appropriate/reasoned order. Until passing of the reasoned order by the District Magistrate, the respondent(s) shall not proceed to construct the PCC road/drainage over the land/plot claimed by the petitioner under item no.6 of the sanction order (Annexure-13).

(Kishore Kumar Mandal, J)

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