

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8497 of 2007

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1. Kailash Prasad Singh S/o Late Laxmi Narayan Singh
 2. Dhrub Kuamr Singh
 3. Prahlad Prasad Singh
 4. Pramod Prasad Singh
 5. Sanjeev Kumar Singh

All sons of Late Madan Mohan Prasad Singh, resident of village
Ramdiri, P.S.Matihani, District Begusarai

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Begusarai
3. Superintending Engineer, Central Public Works Department, Bihar Circle, Punaichak, Patna – 800001
4. Executive Engineer, Pradhan Mantri Gram Sarak Yojna, Project Unit, CPWD, VIth Floor, Pant Bhawan, Patna- 800001
5. Union of India through the Secretary, Deptt. of Surface Transport, Government of India, New Delhi.

.... Respondent/s

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Appearance :

For the Petitioner/s : None

For the Respondent Nos. 1 to 4 : Mr.Sanjay Kumar Ojha, AC to GP 18

For the Respondent No. 5 : Mr.Sujeet Kumar Sinha, CGC

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

13 03-04-2015

The petitioners have filed the present writ petition seeking a direction to the respondents to remove the alleged encroachment from the private land belonging to them. They have further prayed for restraining the respondents from constructing public road over the private land of the petitioners under Pradhan Mantri Gramin Sadak Yojna.

By order dated 10.12.2014 passed by a Bench of this Court, the respondent State of Bihar as also Union of India were directed to file their counter affidavits. In compliance of the aforesaid order, a counter affidavit has been filed on behalf of the respondent no.2 on 05.01.2015. In paragraph 5 of the aforesaid counter affidavit it has been stated that the lands in question were

measured by Anchal Amin, Begusarai and it was found that the public road has been constructed over the government's land. On the basis of measurement taken, a report dated 17.12.2014 was submitted by the Anchal Adhikari, Begusarai to the District Collector, Begusari which has been brought on record as Annexure-A to the aforesaid counter affidavit.

The facts stated in the aforesaid counter affidavit has not been controverted by the writ petitioners.

In above view of the matter, no relief can be granted to the petitioners in the present proceeding.

Consequently, the petition has to fail and is, accordingly, dismissed.

(Birendra Prasad Verma, J)

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