

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16177 of 2013

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1. Bhagnarayan Rai Son Of Late Raghudhari Rai Village - Fuladh, Police Station - Vaishali, District - Vaishali

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Rural Works Department, Government Of Bihar
3. The District Magistrate, Vaishali At Hajipur
4. The Deputy Development Commissioner, Vaishali
5. The District Land Acquisition Officer, Vaishali
6. The Engineer-In-Chief Rural Works Department, Vishwasariya Bhawan, Patna
7. The Executive Engineer, Rural Works Department, Vaishali At Hajipur
8. The Block Development Officer, Vaishali
9. The Circle Officer, Vaishali
10. Nand Kumar Yadav, Contractor Through Assistant Engineer, Rural Works Department, Vaishali At Hajipur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pramod Rajpati

For the Respondent/s : Mr. Sanjay Kr No.1

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 30-03-2016

Heard the counsel for the petitioner and the State.

The writ application is filed with the solitary grievance that in construction of road, the respondents have used the land of the petitioners detailed in para-4 without consent or acquisition.

Two counter affidavits have been filed on behalf of the State respondents which are, however, not on record. Office shall trace and place them on record . The service of those counter affidavits on the petitioner has, however not been disputed. A

copy of the counter affidavit has been produced by the State for perusal .

In paragraph nos. 6 and 7 of the counter affidavit filed on behalf of the respondent no.2 it is stated that the present road is existing over khesra no. 3175 which is a government road. In para 7, it is stated that in course of measurement of the land of the petitioner it was found that some part of the government land/road was encroached by some nearby residents. Even then the land of the petitioner was not utilized for the construction of the road which exists on the government land.

Seen thus, it appears the respondents have not used/utilized the land of the petitioner in the construction of the road. This was the precise grievance of the petitioner in the writ petition. The application, in that view of the matter, has become redundant/infructuous. The petitioner cannot be heard submitting that the encroacher of the government land should also be directed to be removed. This is not the scope of the present writ petition.

Writ application is, accordingly, disposed of as having become infructuous.

(Kishore Kumar Mandal, J)

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