

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1570 of 2016

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Ram Sharan Prasad, Son of Late Ram Bhaju Prasad, residing at Gordhoba, Post-Tungi, Police Station- Deep Nagar, District- Nalanda.

.... Petitioner

Versus

1. The Union of India through the Secretary, Road Transport & National Highway Ministry, New Delhi.
2. The National High Ways Authority of India, New Delhi.
3. The Project Director (National Highways-82) PIV Patna National Highways Authority, Patna.
4. The State of Bihar through the District Magistrate, Nalanda, Bihar Sharif.
5. The District Land Acquisition Officer, Nalanda, Bihar Sharif.
6. The Executive Engineer, National Highways Division No.2, Bihar Sharif, Nalanda.

.... Respondents

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Appearance :

For the Petitioner : Mr. Binod Kumar, Advocate
For the Respondents : Mr. S. D. Sanjay, ASG
Mr. Anshay Bahadur Mathur, CGC
For the State : Mr. Anjani Kumar- AAG4

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 15-11-2016

Heard learned counsel for the parties.

2. The grievance of the petitioner is in respect of acquisition of 0.156 hectare of land bearing Plot No. 512 in Mauza Roja Badar Alam, Thana No. 99 which is a part of Gordhoba River for construction of National Highway 82 by Notification No. 2548 dated 15th December, 2014.

3. The argument is that the construction of the National Highway will disrupt free flow of water of Gordhoba River which will cause havoc to the villagers living in the village as blockage of flow of river will submerge the village land and population.

4. In the counter affidavit filed on behalf of the respondent nos. 4 and 5, it is asserted that the project of extension of National Highway 82 was started after having satisfied that no harm will be caused to the local people on account of the acquisition of the land.

5. We have heard learned counsel for the parties and find that the present writ petition can be disposed of with a direction to the respondents not to obstruct the free flow of the river water. For free flow of the river water, the respondents shall construct a bridge, wherever required or divert the water flow but free flow of river water will not be stopped so as to cause any hardship to the villagers.

6. With the said direction, the writ petition stands disposed of.

(Hemant Gupta, ACJ)

B.T/-

(Vikash Jain, J)

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	18.11.2016
Transmission Date	N.A.