

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4137 of 2016

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1. Baidyanath Prasad Sahani @ Baidyanath Prasad
2. Ganesh Prasad Sahani@Ganesh Prasad
Both Sons of late Ram Chandra Prasad Sahani Resident of Village-Panapur P.O.
Nariyar P.s Minapur District Muzaffarpur.

.... Petitioners

Versus

1. The State of Bihar
2. The District Magistrate, Muzaffarpur.
3. The Deputy Development Commissioner, Muzaffarpur.
4. The Circle Officer, Circle Minapur District Muzaffarpur.
5. The Block Programme Officer (Manrega) Minapur Block, Muzaffarpur.
6. The Mukhiya Gram Panchayat Raj Panapur P.s Minapur District Muzaffarpur.
7. The Panchayat Secretary, Gram Panchayat Raj Panapur P.s Minapur District Muzaffarpur.
8. The Panchayat Rojgar Sewak, Gram Panchayat Raj Panapur P.s Minapur District Muzaffarpur.

.... Respondents

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Appearance :

For the Petitioners : M/s Suraj Narain Yadav and
Upendra Kumar Chaubey, Advocate
For the State : Mr. Sanat Kumar Misjra, AC to AAG8

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 09-03-2016

Heard parties.

Petitioners grievance is that road under MNREGA Scheme is being constructed upon the petitioners described in paragraph no. 4.

It is contended that earlier the lands in question were by the side of River Budhi Gandak and were submerged in it. However, it again re-emerged when the river changed its



course in the year 1978-80. The petitioners filed application for restoration of their Jamabandi as, due to the fact that it was in the bed of river, the land was recorded in the revisional survey khatian as belonging to the State of Bihar. The petitioners claim that vide Annexure 4 the Jamabandi was again restored in the names of the petitioners by the State authority but now the State authorities are constructing road without its acquisition and granting compensation to them.

Having regard to the aforesaid facts and circumstances, this writ application is being disposed of with liberty to the petitioners to approach the District Magistrate, Muzaffarpur by filing a detailed representation regarding their claim along with the copies of the documents in support thereof and also along with a copy of this order. In such case, let the District Magistrate examine the matter and take a decision in accordance with law. If he comes to the conclusion that the lands are belonging to the petitioners then no road can be constructed without its acquisition in accordance with law and grant compensation to them or their consent. However, if he comes to the conclusion that the petitioners are not land owners and the land belonging to the State of Bihar then a detailed and speaking order would be required to be passed by him so that the petitioners would be at liberty to assail the same before the competent authority or take

an appropriate step for redressal of their grievance.

It is expected that the whole exercise would be completed within six weeks from the date of receipt / production of a copy of this order.

(Dr. Ravi Ranjan, J)

Spd/-

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