

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16502 of 2013

=====

1. Rajesh Singh Son Of Late Mahendra Singh Resident Of Village Murhaghat, PS-Kanhauli, Dist.- Sitamarhi

.... Petitioner/s

Versus

1. The State Of Bihar, Through the Principal Secretary, Rural Works Department, Government Of Bihar, Patna
2. The Principal Secretary, Rural Works Department, Government Of Bihar, Patna
3. The Collector, Sitamarhi
4. The Chief Engineer (North), Rural Works Department, Patna
5. The Superintending Engineer, Rural Works Department, Muzaffarpur
6. The Executive Engineer, Rural Works Department, Sitamarhi
7. The Sub Divisional Officer, Rural Works Division, Sitamarhi
8. Mundrika Singh Son Of Sri Nandlal Singh Resident Of Village Murhaghat, PS-Kanhauli, Dist.- Sitamarhi

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar, Advocate

For the Respondent/s : Mr. Prahlad Kumar Bhagat.

=====

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 27-04-2016

Heard Mr. V.R.P.Singh for the petitioner.

The application is a kind of mixture of private litigation and Public Interest Litigation. The objection is with respect to the construction of 'Lachka' over the PCC road constructed on Khesra nos. 340 and 351 in village Murhaghat.

Counsel for the petitioner states that on earlier occasions the respondents intended to construct the culvert along with road which was objected by the petitioner by filing writ petition which was disposed of and in the light of the order of this Court the

Additional Collector passed an order (Annexure-2) for stopping construction of the culvert. Now the respondents have taken steps to construct 'lachka' on the PCC road itself. The another grievance of the petitioner is that in doing so, the land of the petitioner has been used without acquiring the same. It is also stated that construction is being made without the approval/sanction of the department.

In para 9 of the counter affidavit respondents have stated as under:-

“9.That the Circle Officer, Sonbarsa after measuring the land in dispute send his report to Executive Engineer, Rural Works Department, Sitamarhi, vide Letter no. 175 dated 07.04. 2014. In the report it is clearly stated that's the PCC road (Lachka) made in Khesra No. 340 and 351 which belongs to state government.”

If the respondents are constructing 'Lachka' over the road without any administrative approval the agency may lose his investment in doing so. The petitioner should not be aggrieved thereby.

On a consideration of the rival submissions, this Court is not persuaded to invoke its extraordinary and discretionary jurisdiction to grant the application. While declining the same a liberty is granted to the petitioner to make appropriate representation before the concerned authority for payment of adequate

compensation upon demonstrating that in the laying of the ‘Lachka’ over the road the land of the petitioner has actually been used/utilized. It will also be open to the petitioner to ventilate his grievance before the authority about any necessity of the construction of such ‘Lachka’ over the road in question.

The writ petition is dismissed with above observation(s)

(Kishore Kumar Mandal, J)

Shyam/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	5.5.2016
Transmission Date	