

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12298 of 2014

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1. Singheshwar Chaudhary S/o Late Hito Chaudhary R/o Village- Khairi, Block Khanpur, P.S.- Khanpur, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, Samastipur.
3. The Block Development Officer Khanpur, District Samastipur.
4. The Circle Officer, Khanpur, District- Samastipur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amitabh Bhardwaj, Adv.

For the Respondent/s : Mr. A.C. to S.C.-17

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL JUDGMENT

Date: 11-04-2017

Heard learned counsel for the petitioner and learned
A.C. to S.C.-17.

The present writ application has been filed for a
direction to the respondent authorities to remove the road constructed
on the raiyati land of the petitioner, without same being acquired.

It is submitted by the learned counsel for the petitioner
that the petitioner came in possession of the land in question
appertaining to Khata No. 320, Old Plot No. 2784 and 2785, New Plot
No. 4112 total measuring area of 8^{1/2} dhurs, by virtue of exchange
deed dated 21.05.1988. The petitioner was in peaceful possession of
the land in question till construction of the road in question. The land
of the petitioner is situated adjacent south to the Government land



appertaining to Khata No. 823, Plot No. 4113 (new) on which a public road was constructed, under M.P. Local Area Development Scheme, for which the local M.P. sanctioned Rs. 7,47,300/- for constructing P.C.C. road from Khairi Nasi to the house of Muneshwar Chaudhary. The construction work was inaugurated on 22.12.2013, but since the petitioner was not residing in the village, he could not come to know about the part of the road being constructed on his raiyati land and subsequently, the road was constructed on 4 dhurs of the land of the petitioner, whereas, the road ought to have been constructed only till the land of this petitioner i.e., near the house of Muneshwar Choudhary. The road was constructed without acquiring the land of the petitioner in accordance with law of acquisition and without giving compensation to the petitioner.

It is further submitted that from the counter affidavit, it appears that in pursuance to a report being called by the District Planning Officer, Samastipur, the Circle Officer, Khanpur sent the measurement report vide letter No. 1116 dated 17.12.2014, as contained in Annexure-C to the counter affidavit, which reflects that the P.C.C. road was measured by the Circle Amin which suggests that on 3 dhurs of land of the petitioner, P.C.C. road has been constructed but thereafter, no action has been taken to redress the grievances of the petitioner.



Learned A.C. to S.C.-17 submits that the report, as contained in Annexure-C to the counter affidavit, suggests that the P.C.C. road has been constructed, but does not have any instruction, as to under whose authority the said road has been constructed.

Keeping in view the fact that the document brought on record on behalf of respondent authorities as well as statement made in para- 7 and 8 of the counter affidavit wherein the factum of construction of road being constructed on the land of the petitioner, is admitted, the writ application is disposed of with liberty to the petitioner to file an appropriate representation before the District Magistrate, Samastipur who will look into the entire matter and pass appropriate reasoned order for redressing the grievance of the petitioner.

The entire exercise should be done within a period of three months.

(Dinesh Kumar Singh, J)

Amrendra/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	11/05/2017
Transmission Date	N/A

