

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Letters Patent Appeal No.1425 of 2016**

**Arising out of**

**Civil Writ Jurisdiction Case No.209 of 2015**

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1. Santosh Kumar Singh, Son of Damodar Singh
  2. Bashudev Singh, Son of Late Radha Singh
  3. Kameshwar Singh, Son of Late Jagdeo Singh
  4. Shiv Kumar Rai, Son of Late Jai Rai
- All are residents of village & P.O. Ram Nagar, Kita Chohatter Western, P.S. Maner, District - Patna

... .. Appellant/s

Versus

1. The State of Bihar through the District Magistrate, Patna
2. The District Magistrate, Patna
3. The Sub Divisional Officer, Danapur, District Patna
4. The Block Development Officer, Maner, District Patna
5. The Circle Officer, Maner, District Patna
6. The Chief Engineer, Local Area Engineering Organization (hereinafter referred to as the L.E.O.), Vishweshwaraya Bhawan, 4th Floor, Patna
7. The Superintendent Engineer, Local Area Engineering Organization (herinafter referred to as 'the L.E.O. '), Mangal Bhawan, Budh Colony, Patna
8. The Executive Engineer, Local Area Engineering Organization (herinafter referred to as 'the L.E.O. '), Gola Road, Ram Jai Pal Singh Path, Danapur, District - Patna
9. The Assistant Engineer (S.D.O.), Engineering, Local Area Engineering Organization ( herinafter referred to as 'the L.E.O. '), Danapur, District Patna
10. Amod Ranjan Prasad, Son of Late Ram Bhajju Mahto, resident of village - Haldi Chhapra Nayka Tola, P.O. Ram Nagar, Vie Maner, District - Patna
11. Ramesh Singh, Son of Late Ram Balak Singh, resident of village & P.O. Ram Nagar, Kita Chohatter Western, P.S. Maner, district - Patna

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Ram Ishwar Prasad, Advocate  
For the Respondent/s : Mr. Kumar Pankaj, A.C. to S.C. 5

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**CORAM: HONOURABLE THE CHIEF JUSTICE**

**and**

**HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**

**ORAL JUDGMENT**

**(Per: HONOURABLE THE CHIEF JUSTICE)**

**Date : 30-08-2017**

Seeking exception to an order dated 10.03.2015

passed by the learned Writ Court in C.W.J.C. No. 209 of 2015,

this appeal has been filed under Clause 10 of the Letters Patent



by the applicants, appellants herein, who were neither petitioners nor respondents in the writ petition but are only residents of the village in question.

Facts in brief goes to show that respondent Ramesh Singh, son of late Ram Balak Singh, a resident of Village and Post- Ram Nagar, District- Patna filed the writ petition in question and it was his grievance in the writ petition that Plot No. 2512 of Khata No. 3, admeasuring 3 Bigha 3 Katha situated in Mauza- Maner, District- Patna is his private land and a process of constructing a public road under a scheme formulated by the State Government is being undertaken in collusion between the State Government and the Central Government and he wanted a prohibition restraining the respondents from constructing the road in his private land without following the due process of law. The notices were issued, a report was called for from the Circle Officer and the District Administration and it came on record that the complaint of the respondent was correct. The road was being constructed in the private land, bricks and soil were being laid and action was taken. Taking note of the aforesaid, Inquiry Report that came on record and finding the protest of the respondent made to be correct, it was also observed that the authorities have



themselves withdrawn from constructing the road in the area in question and, therefore, the writ petition was disposed of with a direction to ensure that all materials like bricks and sand lying in the land of the respondent are removed and the land is restored to its original position.

Neither the State Government nor any other person of the State Government has filed any appeal challenging the aforesaid order but the applicants herein claiming to be residents of the village in question and contending that they have also permitted construction of road in their land want quashing of the order passed by the Writ Court and a direction for permitting construction of the road on the ground that it is in larger public interest and, therefore, the construction should not be stopped at the instance of the respondent Sri Ramesh Singh.

At the instance of the appellants herein, merely because they have no objection in constructing the road over their land, the prayer made in the writ petition cannot be acceded to. The respondent Ramesh Singh being owner of land bearing Plot No. 2512, in case the State Government or the District Administration wants construction of the road on his land, they can do so only after following the due process of law by acquiring the land after payment of compensation etc. In the



manner done on the private land of Ramesh Singh, no construction can be permitted and merely because the appellants want the construction to be done and they have no objection if construction is made in their land, interference into the matter cannot be made. The learned Writ Court in the facts and circumstances of the case has not committed any error and at the instance of the appellants herein, we see no reason to make any indulgence. The Letters Patent Appeal is, therefore, dismissed.

**(Rajendra Menon, CJ)**

**(Anil Kumar Upadhyay, J)**

P.K.P.

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