

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1980 of 2015

In

Civil Writ Jurisdiction Case No.19096 of 2010

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Satandar Kumar Singh son of Late Mandeo Singh, resident of village Babhan
Balua, P.O. Dharmapura, P.S. Daudpur, District- Saran at Chapra

... .. Appellant/s

Versus

1. The State of Bihar
2. The Secretary, Rural Works Department, Bihar, Patna
3. The District Magistrate, Saran at Chapra
4. The District Land Acquisition Officer, Saran at Chapra
5. The Sub-Divisional Officer, Saran, Chapra
6. The Circle officer, Manjhi Block, Saran at Chapra
7. The Engineer-in-Chief, Rural Works Department, Bihar, Patna
8. The Executive Engineer, Division- II, Rural Works Department, Chapra

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Jai Shankar Pathak
For the Respondent/s : Mr. LALIT KISHORE- PAAG

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

2 08-09-2017 Heard counsel for the appellant and counsel for the State.

Perused the impugned order as well as the order which was
subject matter of challenge before the learned single Judge.

The basic finding is that the alignment of the road has been
in existence for the last 50 years and in fact even augmentation
and development on that road has been done through various
public funds in the past and only when the pucca road under the
Pradhan Mantri Gramin Sadak Yojna was constructed that the
appellant is trying to raise objection that the same is being done



without his consent.

The consent of the appellant will be considered to have been taken because if he had not raised any objection for the last 50 years and the villagers have used that alignment, he cannot make an objection in the hope of making a kill by looking for compensation from the State authorities. Since there is no provision for compensation under the Pradhan Mantri Gramin Sadak Yojna the hope and expectation of the appellant must fail.

Appeal is dismissed.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

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