

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1395 of 2013

IN

Civil Writ Jurisdiction Case No. 20732 of 2011

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Arvind Kumar S/O Late Ram Sharan Mahto, Resident Of Village- Mai, P.S.-
Parwalpur, District- Nalanda

.... Appellant/s

Versus

1. The State of Bihar
2. Principal Secretary, Rural Development Department, Government of Bihar, Patna
3. District Magistrate, Nalanda at Bihar Sharif
4. The Deputy Development Commissioner, Nalanda at Bihar Sharif
5. The Block Development Officer, Parwalpur Block, Parwalpur, Nalanda
6. The Circle Officer, Parwalpur Block, Parwalpur, District- Nalanda
7. Om Prakash Prasad, Rojgar Sewak, Parwalpur Block, Parwalpur, Nalanda
8. Mostt. Rita Devi, Mukhiya, Mai Gram Panchayat, Parwalpur Block, Nalanda

.... Respondent/s

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Appearance :

For the Appellant : Mr. Anil Kumar No.1, Advocate
For the State : Smt. Binita Singh, SC-28
with Mr. Siddharth Shankar Pandey, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 23-03-2017

Seeking exception to an order dated 01.07.2013 passed by
the learned writ Court in Civil Writ Jurisdiction Case No. 20732 of
2011 the appellant has filed this appeal under Clause 10 of Letters
Patent.

For the purpose of constructing a kachcha road under the
Mahatma Gandhi National Rural Employment Guarantee Yojna
(MNREGA), action was taken by the local authorities and it was the



contention of the petitioner before the Writ Court that construction has been effected on his land without acquisition of land and without paying him compensation. The Writ Court examined the matter and found that for the purpose of constructing a kachcha road under the Yojna, consent of the petitioner and other land owners of the area, through which the road was to go, was obtained. The petitioner had also consented to the same and, therefore, finding no illegality dismissed the writ petition.

Contention of the petitioner before us is that the consent was obtained after the work order was issued by use of force and police pressure. However, in the writ petition the petitioner does not make any such averment with regard to the consent being obtained by force. On the contrary, Annexure-A dated 22.10.2011 is available on record with the consent letter which is, admittedly, signed by the petitioner.

In view of the above, we see no reason to make any indulgence in this proceeding. In case, the petitioner is entitled to any compensation because of construction of road and the law permits him to seek compensation or damages for acquisition of land, the petitioner will have the liberty to avail the remedy as may be permissible under law for recovery of the same.

With the aforesaid observations and directions, for the



present, finding no indulgence to be made, the appeal stands dismissed.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

Narendra/-

AFR/NAFR	N.A.F.R.
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