

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9464 of 2014

=====

Ram Naresh Sah Son of Late Chulahi Sah resident of village - Kamarauli, P.O.
Kamarauli, P.S. Piprahi, District - Sheohar

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of Revenue and Land Reforms, Bihar, Patna
2. The Principal Secretary, Department of Rural Works, Govt. of Bihar, Vishwashwariya Bhawan, Patna
3. Engineer - in - Chief, Rural Works Department, Vishweswaraiya Bhawan, Patna
4. The Executive Engineer, Division No.1, Rural Works Department, Sitamarhi
5. The Collector, Sheohar
6. The Block Development Officer, Piprahi Block, Piprahi, District - Sheohar
7. The Circle Officer, Piprahi Circle, Piprahi, District - Sheohar
8. The Officer - in - charge, Piprahi Police Station, District - Sheohar

.... Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Jai Shankar Pathak, Advocate.
For the State	:	Smt. Binita Singh, SC 28
		Mr. Vivek Anand Amritesh, AC to SC 28.

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 03-02-2017

Heard learned counsel for the parties.

In terms of the order dated 13.01.2017 a supplementary counter affidavit has been filed on behalf of the respondents no.5, 6 and 7 in which a categorical statement has been made that the brother of the petitioner had executed a formal agreement on 05.10.2008 by which ancestral land of the petitioner and his brother have voluntarily been allowed to be used for constructing road under the “Prime Minister Gram Sarak Yojana”. Copy of the agreement has also been



brought on record in the supplementary counter affidavit.

Learned counsel for the petitioner disputes such fact.

In view of there being averment on oath along with supporting copy of the agreement in which the brother of the petitioner is a signatory and he has made statement in the agreement that it was on behalf of the petitioner also and relates to the ancestral land as also the fact that the road in question relates to the land covered in the agreement, the Court does not find any occasion to interfere. Accordingly, the writ petition stands disposed off. However, if the petitioner feels that the land used for the road is beyond that covered under the aforesaid agreement, he may take recourse to the remedy available to him in law but certainly not under Article 226 of the Constitution of India.

(Ahsanuddin Amanullah, J)

Prakash/-

AFR/NAFR	
U	

