

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16024 of 2014

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1. Rajo Yadav Son of Late Janak Yadav, Resident of Village- Dudhaila, P.S. Sonbarsa Kachahari, District- Saharsa

.... Petitioner/s

Versus

1. The State of Bihar through Secretary, Rural Engineering Department, Govt. of Bihar, Patna
2. District Magistrate Cum - Collector, Saharsa
3. Executive Engineer, Rural Engineering, Saharsa
4. Anchaladhikari, Kahara, Saharsa

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Mukund, Adv.
Mr. Subesh Sharma, Adv.

For the State : Mr. ASHOK KUMAR KESHRI, A.A.G.-11

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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.A.G.-11 for the respondents.

The present writ application has been filed for a direction to the respondent authorities to compensate the petitioner to the tune of Rs. 10 lakhs or as per the determined rate, since the house of the petitioner, situated on Plot Nos. 748, 749, Khata nos. 43 and 37 situated in the village Dudhaila, Panchayat Mohanpur under the Block Kahara in the District of Saharsa, has been demolished for construction of the road on Plot No. 766 under the Pradhanmantri Rojgar Yojana.

It is submitted by the learned counsel for the petitioner that Plot Nos. 748, 749, Khata Nos. 43 and 37 situated in village



Dudhaila, Panchayat Mohanpur under the Block Kahara in the District of Saharsa is the ancestral land of the petitioner over which the residential house and fruit orchard of the petitioner existed since last fifty years, but part of the same has been demolished by constructing road on plot no. 766.

Learned A.A.G.-11 submits that in pursuance to the order of the Circle Officer, Kahara, respondent no.4, Anchal Amin got the measurement of Plot No. 766 done, upon which the public road is situated and found that the petitioner has encroached upon three dhurs of public road, hence recommended for necessary action being taken.

Considering the rival submissions of the parties, this Court is of the view that the petitioner does not claim any title over Plot No. 766 and the report of the Circle Amin does not suggest that any construction has been made on the raiyati land of the petitioner but if the petitioner has any dispute with regard to right, title or interest, with regard to land in question the same may be decided by a competent Civil Court.

With the above observation, the present writ application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	24/04/2017

