

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20047 of 2016

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1. Ashok Kumar Choudhary, S/o Late Nandlal Chaudhary, resident of Village- Jhanjhihar, PO & PS- Pupari, District- Sitamarhi.
2. Prithvi Raj Choudhary, S/o Late Ram Bahadur Chaudhary, resident of Village- Jhansihar, PO & PS- Pupari, District- Sitamarhi.
3. Randhir Kumar Chaudhary, S/o Late Rambahadur Chaudhary, resident of Village- Jhansihar, PO & PS- Pupari, District- Sitamarhi.
4. Jagdish Prasad, S/o Late Bihari Sah, resident of Village- Jhansihar, PO & PS- Pupari, District- Sitamarhi. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Old Secretariat, Govt. of Bihar, Patna.
2. The Addl. Secretary, Land Acquisition (Directorate), Old Secretariat, Govt. of Bihar, Patna.
3. The District Collector, Sitamarhi, Town & District- Sitamarhi.
4. The Land Acquisition Officer, Sitamarhi.
5. The Executive Officer, Nagar Panchayat, Janakpur Road, Pupri, District- Sitamarhi.
6. Bihar State Road Development Corporation Ltd., a Govt. of Bihar undertaking PIU-3 Hajipur, District- Vaishali through its Deputy Manager (Technical). Respondent/s

with

Civil Writ Jurisdiction Case No.20140 of 2016

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1. Shashi Bhushan Sharma, S/o Sri Ram Manohar Pandey, resident of Village- Koialy, P.S. Nanpur, District- Sitamarhi, at present, residing at Usha Sada, Kalambag Road, Prajapatpatti, Brahma Kumari Lane, P.O. Ramna, P.S. Ramna, Town & District- Muzaffarpur- 842002.
2. Kanti Devi, W/o Late Bindeshwar Choudhary, resident of Raipur Kauriya, P.S. Nanpur, District- Sitamarhi. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Old Secretariat, Govt. of Bihar, Patna.
2. The Addl. Secretary, Land Acquisition (Directorate), Old Secretariate, Govt. of Bihar, Patna.
3. The District Collector, Sitamarhi, Town & District- Sitamarhi.
4. The Land Acquisition Officer, Sitamarhi.
5. The Executive Officer, Nagar Panchayat, Janakpur Road, Pupri, District- Sitamarhi.
6. Bihar State Road Development Corporation Ltd. A Govt. of Bihar undertaking PIU-3 Hajipur, District- Vaishali through its Deputy Manager (Technical). Respondent/s

Appearance :

(In CWJC No.20047 of 2016)

For the Petitioner/s : Mr. Waliur Rahman, advocate
Mr. Nishant Kr. Sinha
Mr. Yugal Kishore

For the Respondent/s : Mr. Washi Ahmad Khan, AC to SC25



For the BSRDC : Mr. Vikash Kumar, advocate
(In CWJC No.20140 of 2016)
For the Petitioner/s : Mr. Rajendra Kumar
For the Respondent/s : Mr. Rakesh Ranjan, AC to AAG12

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

5 26-02-2018 Heard both sides.

Both these writ petitions have been filed to cancel the notification issued by the Additional Secretary, Land Acquisition (Directorate), Bihar, Patna vide letter No. 14/DLA (SH-87) Sitamarhi, 149/2013-2275/Ra, Patna dated 18.09.2013 for acquisition of land to construct railway over-bridge and to cancel all other subsequent orders and direct the respondents to remove unauthorized constructions erected on the junction of road running from north to south in Pupri Bazar and also the tower situated on the Government land.

The learned counsel for the petitioners submits that petitioners are land holders and their land of plot Nos. 345, 355, 330 and 349 are situated by the side of road but on account of alignment of over-bridge their land have been notified for the purpose of acquisition. The learned counsel for the petitioners further submits that on account of a tower erected by ex-member of Parliament in the memory of his father the authorities, with a view to save the tower, made wrong alignment for construction of



over-bridge and on account of such wrong alignment the land of petitioners are proposed to be acquired.

The learned counsel for the State and the learned counsel for Bihar State Road Development Corporation (BSRDC) have submitted that counter affidavit have been filed on their behalf with an undertaking to demolish the tower. It is submitted that since the road was curved, alignment was made to straighten the road.

Having considered the submission of the parties and on perusal of map, I find that in order to straighten the road some land situated by the side of the curved road required to be acquired and the acquisition is for public purpose. The respondents have already undertaken to remove any encroachment or tower standing on the junction of road. Accordingly, I do not find any merit in these writ petitions and the same are, accordingly, dismissed.

This order shall not, in any way, come in the way of petitioners to seek compensation, in accordance with law.

(Prabhat Kumar Jha, J)

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