

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No 9892 of 2012**

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1. ARJUN MAHTO SON OF LATE SRI LAL MAHTO RESIDENT OF VILLAGE- BAHARBANNI PIPRA DOADRAJ, P.S. TEGHRA, DISTRICT- BEGUSARAI
  2. RAJENDRA MAHTO SON OF LATE RAMESHWAR MAHTO RESIDENT OF VILLAGE- BAHARBANNI PIPRA DOADRAJ, P.S. TEGHRA, DISTRICT- BEGUSARAI
  3. CHANDRADEO RAI S/O LATE DHANIK RAI RESIDENT OF VILLAGE- PIPRA DOADRAJ, P.S. TEGHRA, DISTRICT- BEGUSARAI

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. THE DISTRICT MAGISTRATE, BEGUSARAI
3. THE COMMISSIONER, MUNGER
4. THE SUPERINTENDENT OF POLICE, BEGUSARAI
5. THE SUB-DIVISIONAL OFFICER, TEGHRA, BEGUSARAI
6. THE CIRCLE OFFICER, TEGHRA, BEGUSARAI
7. THE BLOCK DEVELOPMENT OFFICER, TEGHRA, BEGUSARAI
8. THE OFFICER-IN-CHARGE OF TEGHRA POLICE STATION, BEGUSARAI

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr Jai Prakash Singh, Advocate  
For the Respondent/s : Mr Manoj Kr Ambasta, SC XXVI

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**CORAM: HONOURABLE DR JUSTICE RAVI RANJAN**  
**and**  
**HONOURABLE MR. JUSTICE MADHURESH PRASAD**

**ORAL JUDGMENT**

**(Per: HONOURABLE DR JUSTICE RAVI RANJAN)**

**Date : 29-10-2018**

Heard learned counsel for the petitioners and the State.

Through this writ petition, the petitioners seek direction to restrain the respondents from constructing any road utilizing the lands of Khesra No 891, Thana No 468, measuring 1 bigha, 2



kathas with the boundary, north – road, south – Ram Prasad Mahto, East – Niranjan Kishore, West – Siya Ram Mahto situated in Block & Police Station – Teghra, District - Begusarai which they claim is their raiyati land.

In the aforementioned facts and circumstances, we dispose of this writ petition directing the District Magistrate, Begusarai (respondent No 2) to get the aforementioned land measured and demarcated in the presence of the writ petitioners or their representative.

If, on measurement, it comes out that entire or part of the aforesaid plot has been or being utilized for construction of road then options open would be either to stop such type of constructions permanently or acquire the land in accordance with law as it is well settled that a private land belonging to a private person cannot be utilized by the State authorities without his consent or without acquiring in accordance with law.

Such measurement shall be done within a period of one month from the date of receipt/production of a copy of this order by the writ petitioners and a final decision in this regard would be required to be taken within a period of four weeks thereafter.

In case, the District Magistrate comes to the conclusion that entire or part of the concerned plot has been or is to be utilized



for construction of road in public interest then the land acquisition proceeding should be initiated and concluded within six months thereafter.

(Dr Ravi Ranjan, J)

( Madhuresh Prasad, J)

M.E.H./-

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| AFR/NAFR          | NAFR       |
| CAV DATE          | NA         |
| Uploading Date    | 01.11.2018 |
| Transmission Date | NA         |

