

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22270 of 2018

1. Vijay Kumar, Son of Ramanandan Prasad,
 2. Ramlal Prasad, Son of Late Munshi Mahto,
 3. Bindeshwar Prasad, Son of Late Ragunanadan Mahto,
 4. Bhagirath Prasad Sinha, Son of Late Banshi Mahto.
 5. Devnanadan Prasad, Son of Late Bhimsen Mahto.
 6. Sudhanshu Prasad, Son of Late Jagdish Prasad,
 7. Shankar Mistri, Son of Late Chamari Mistri, All are residents of Village-Jogia, Post office- Alawan, Police Station- Parwalpur, District- Nalanda
- ... Petitioners

Versus

1. The State Of Bihar
 2. The Principal Secretary, Rural Works Department, Bihar, Patna
 3. The Engineer-in-Chief, Rural Works Department Bihar, Patna
 4. The Chief Engineer, Rural Works Department Nalanda, Bihar Sharif
 5. The Superintending Engineer, Rural Works Department, Nalanda
 6. The Executive Engineer, Rural Works Department, Works Division Hilsa Nalanda
 7. The Collector, Nalanda at Biharsharif
 8. The Sub-Divisional Officer, Hilsa Nalanda.
 9. The Circle Officer, Parwalpur, Nalanda
 10. The S.H.O. Parwalpur Police Station, Nalanda
 11. The M/S I.P.S. Narayan Construction through its proprietor, namely, Randhir Kumar, S/o Indradeo Prasad, R/o Village- Damodarpur, P.S.- Chiksaura, District- Nalanda, at present station Road, Ward NO. -15, Hilsa, Nalanda
- ... Respondents

Appearance :

For the Petitioners : Mr. Rajiv Nayan, Adv.
For the Respondents : Mr. Ajay, GA V

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 11-07-2019 The petitioners have grievance that their raiyati land is being utilized for the purpose of construction of a public road forcibly without their consent and without taking recourse to any land acquisition proceeding in accordance with law.

The Court in a proceeding under Article 226 of the Constitution of India can not go into the question as to whether



the land over which the road is being constructed is petitioners' raiyati land or not. There can not be any dispute over the legal proposition that no private land can be utilized for public purpose by the State-respondents without following due procedure of law of acquisition of land. However, the nature of grievance which the petitioners are raising in the present writ application would have well been raised before the Public Grievance Redressal Officer under the Public Grievance Redressal Act, 2015.

This application is, accordingly, disposed of with the observation that the petitioners shall be at liberty to make an application before the Public Grievance Redressal Officer in accordance with the procedure prescribed under the Act and the Rules framed thereunder.

If such application is made within one month from today, the Court expect that the same shall be considered and disposed of within three months thereafter.

(Chakradhari Sharan Singh, J)

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