

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1309 of 2019

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Somnath Choudhary Resident of House No. Sitab Singh West of B-106
Housing Colony, P.S. Kankarbagh Patna, Permanent resident of Village
Chenpura, P.S. Benipatti, Distt. Madhubani.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors through the Chief Secretary, Governmen tof Bihar, Patna
2. The Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna
3. The Principal Secretary, Department of Road Construction, Government of Bihar, Patna
4. The Engineer-in-Chief, Department of State Highway, Road Construction Department, Bihar
5. The Deputy General Manager (technical) Project Coordination Unit 3, Bihar State Road Development Corporation , Hajipur
6. The Executive Engineer, Road Construction Department, District Madhubani
7. The Collector, Madhubani
8. The Circle Officer, Benipatti Circle Officer, District- Madhubani Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Abhay Kumar Thakur Ms. Sukriti Kumari
For the Respondent/s	:	Mr. Amit Prakash (GA-13) Mr. Rajeev Shekhar, AC to GA-13

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 22-01-2019 Heard learned counsel for the parties.

2. The petitioner has a grievance that in course of construction of the State Highway 75, the agency appointed for such construction has dug out the earth from the petitioner's land without his consent. With this assertion, the petitioner is seeking a direction for due compensation.

3. This Court, in a proceeding under Article 226 of the Constitution of India, can neither determine the amount of



compensation for the loss caused to the petitioner because of digging out of his earth, nor can issue any direction without reaching a definite conclusion that the land from where the earth has been dug out belongs to the petitioner. These are the aspects, which can be adjudicated upon either by the State functionaries or by a civil court of competent jurisdiction.

4. This application is, thus, disposed of with a liberty to the petitioner to raise his grievance either before the Public Grievance Redressal Officer under the Bihar Right to Public Grievance Redressal Act, 2016, or before a civil court of competent jurisdiction.

5. It has been pointed out by learned counsel for the petitioner that there is a favourable report of the Circle Officer to the effect that the land from where the earth has been dug out belongs to the petitioner without his prior consent. This aspect can be looked into by the Grievance Redressal Officer on an application if filed by the petitioner.

(Chakradhari Sharan Singh, J)

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