

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24666 of 2018

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Sunanina Devi wife of Late Ramesh Narayan Singh, R/o Village-Nunoura,
Ward No. 12, P.O Dumra, P.S. Belsanda, Dist-Sitamarhi,-843316

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. Principal Secretary Road Construction Department Bihar, Patna.
3. Secretary Rural Work Department, Bihar, Patna.
4. The Nodal officer, Prime Minister Rural Sarak Yojna, Bihar, Patna.
5. Bihar Rural Development Agency Bihar, Patna.
6. Additional Chief and Executive Officer cum-Special Secretary, Rural Work Department, Bihar, Patna.
7. District Magistrate, Sitamarhi.
8. Sub divisional Magistrate, Belsand, Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Tuntun Kumar, Advocate
For the Respondent/s : Mr. Mahendra Prasad Verma, AC to SC-20

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 01-08-2019 Heard learned counsel for the parties.

This writ application has been filed seeking a direction to the respondents not to construct road over the land and house over Plot No. 2618, Khata No. 788 situate at Village Nunoura in the District of Sitamarhi, without undertaking any process of land acquisition.

It is the case of the petitioner that her *raiya* land is being attempted to be utilised for construction of road.

A supplementary counter affidavit has been filed



today on behalf of the State-Respondents sworn by the Executive Engineer, Belsand, Sitamarhi under Rural Works Department. It has been stated that the Circle Officer through his letter No. 280 dated 10.04.2019 has apprised him that the petitioner's land comes under the alignment of the road, which is proposed to be constructed.

In the light of the report of the Circle Officer, the Executive Engineer, Rural Works Department, Works Division, Belsand has, through letter dated 17.05.2019, directed the Sub-Divisional Officer of the said Department not to continue with the work of construction of the road. The construction work has accordingly been stopped. A guideline has been sought by the Executive Engineer from the Department for further action.

It has, however, been stated that the land in question was being used by the villagers as public path for last 12-13 years.

Be that as it may, since the respondents have stopped the construction work, the petitioner cannot have any grievance for the present.

This application is accordingly disposed of with observation that the petitioner shall be at liberty to approach this Court again if any of his legal or constitutional rights are found



to have been infringed by any action of the State. It need not be reiterated that private property of any individual cannot be utilised for public purpose without providing him due compensation in accordance with law.

(Chakradhari Sharan Singh, J)

Rajesh/-

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