

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.740 of 2016

Arising out of

Civil Writ Jurisdiction Case No.1889 of 2011

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Ram Prakash Jha, S/o Late Satya Narain Jha Resident of Ashok Nagar P.O.
Khaira Ward no. 27, Town, Begusarai, P.S. & District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Smt. Seema Tripathi, District Magistrate, Begusarai.
3. Sri Binay Kumar Rai, Sub Divisional Officer, Sadar Begusarai.
4. Sri Sanjay Singh, Chairman, Begusarai Nagar Parishad, Begusarai.
5. Sri Mohan Prakash Madhukar, Executive Officer, Begusarai Nagar Parishad Begusarai.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Dharendra Kumar Jha, Advocate
For the State	:	Mr. P. N. Shahi, AAG 6 with Mr. Mritunjay Kumar, AC to AAG 6
For the Municipal Corporation	:	Mr. Ravi Bhushan Verma, Advocate

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 20-09-2019

Heard learned counsel for the petitioner and learned
AAG 6 for the State.

2. Pursuant to order dated 21.08.2019, the District
Magistrate, Begusarai is present for reasons recorded in the said
order. He has also filed show cause.

3. The controversy relates to the apprehension of the
petitioner that though the road in front of his house was
constructed partly from the land donated by his ancestor but
recently the authorities were trying to widen without adhering to



the due process of law, i.e, acquisition or otherwise. Thus, he had moved the Court earlier in CWJC No. 1889 of 2011 dated 25.02.2014 in which the following order was passed.

“However, in case even a fraction of the land of the petitioner has been utilized for such construction and no acquisition proceeding is initiated, then such construction should be removed and possession should be restored back to the petitioner.”

4. In the show cause filed today, the following stand has been taken on behalf of the authorities, at paragraph no. 18:

“18.....The respondent authorities before this Hon’ble Court assert that these respondents have not utilised even a fraction of the land of petitioner more than 12 feet wide and 241 feet long and as such no acquisition proceeding was likely to be initiated. These respondents authorities further undertake that presently there is no proposal for widening of this road and in future too, if any proposal of widening of this public road more than 12 feet comes in future for beautification and fulfilment of necessity of public at large then even the fraction of land of petitioner shall not be utilised without acquisition in accordance with law and under obedience of Hon’ble Court order passed in CWJC No. 1889 of 2011.”

5. In view of the categorical statement made on oath by the authorities and reiterated before the Court, both by learned



counsel for the State and the District Magistrate, Begusarai,
nothing further is required to be done in the present case.

6. Accordingly, the application stands disposed off in
terms of such undertaking.

7. Personal appearance of the officer stands dispensed
with.

(Ahsanuddin Amanullah, J)

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