

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.200 of 2014

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1. Ganesh Mishra son of Late Lakshmi Kant Mishra Resident Of Village-Bandhar, P.S.- Hathwari, District- Samastipur
 2. Anil Kumar Son Of Sri Ram Kallewar Choudhary Resident Of Village-Bandhar, P.S.- Hathwari, District- Samastipur

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, Samastipur
3. The Sub-Divisional Officer, Rosera, Samastipur
4. The Circle Officer, Sivajinagar, District- Samastipur
5. The Block Development Officer, Sivajinagar, Samastipur
6. Renu Devi, Mukhiya, Gram Panchayat Raj Bandhar, Sivajinagar Block, Rosera, Samastipur

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Ghanshyam Choudhary
For the State	:	Mr.Pushkar Narain Shahi, AAG-6
For the Respondent No. 6	:	Mr. Mukund Mohan Jha

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 30-08-2019 The present writ petition has been filed for directing the respondents to remove the illegal construction of road made on the private land of the petitioners bearing Old Khesra No. 353, 354 and new Khesra No. 547 as also old Khesra No. 376 situated in village Bhandar, Shivaji Nagar, District-Samastipur.

Respondents have filed a counter affidavit wherein it has been admitted that the road in question has been constructed over the private land of the petitioners herein, however, it has been stated that the petitioners had given their consent for the



same.

Per contra, the learned counsel for the petitioners submits that the petitioners had never given any consent for construction of the road over their private land and the proof annexed to the counter affidavit by the respondents showing the consent bears the signature of the brother of the petitioners and not that of the petitioners.

Having regard to the facts and circumstances of the case and considering the admitted position that the respondents have encroached upon the private land of the petitioners without their consent, the respondents are directed to remove the said illegal construction of road made over the private land of the petitioners or in the alternative pay adequate compensation as per the provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

The writ petition stands allowed on the aforesaid terms.

(Mohit Kumar Shah, J)

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