

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12446 of 2010

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Brajnandan Prasad S/o Late Komal Singh R/o Vill.- Salempur, P.S.-
Parwalpur, Distt.- Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Secretary, Rural Works Department Govt. of Bihar, Patna
3. The Chief Engineer, No.- 4, Rural Works Department, Govt. of Bihar, Patna
4. The District Magistrate, Having its office of Biharsarif, Nalanda
5. The Executive Engineer, Rural Works Department, having its office at Hilsa Division-1, Distt.- Nalanda
6. M/S Hari Om Trader Communicated by Executive Engineer, Hilsa, Division-1, Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sheo Shankar Prasad
For the Respondent/s : Mr.(SC14)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 10-01-2019 Heard learned counsel for the State. None appears on
behalf of the petitioner.

This writ application has been filed seeking following
reliefs:

“(i) For issuance of appropriate writ/writs,
order/orders, direction/directions commanding the
respondents-State authority to save from
destroying the most fertile Agricultural land of the
petitioner comprising an area of 7200 sq. ft. by
restraining the construction work of widening the
existed connective road from Bari Math to Alawan
of Nalanda District, under the Pradhan Mantri
Gram Sadak Yojana as the said road has been
started by the respondent in most unlawful, illegal
and in violation of relevant provision of the



guidelines of PMGSY Scheme as the PMGSY Scheme is not any manner applicable in connection to making connectivity road to unconnected habitants which has been earlier provided, even if the present condition of the road is bad.

(ii) For further direction/order with regard to the facts that the said construction of road is also unlawful and violative of relevant rules and regulation of the law of the land acquisition as without following the law of land acquisition, the fertile agricultural land of the petitioner has been almost used in making the widening of road existed connective road from Barimath to Alawan in which at least the petitioner is entitled for compensation amount against the said land area of petitioner is being completely used in making the said road by the respondent-State authority under the PMGSY Scheme and as such the petitioner alternatively requires a direction/directions, order/orders from this Hon'ble Court for the respondent-state authority to make payment of compensation amount to the petitioner provided under the law of land acquisition against using most fertile agricultural land comprising area of 7200 sq. ft. in making widening of road from Barimath to Alawan of Nalanda district".

In pursuance to the relief sought for in the present application, a direction was issued upon the State by order dated 20-08-2014.

It has been submitted on behalf of the State-respondent that order dated 20-08-2014 has already been complied with and



to that effect, a counter affidavit has already been filed.

In view of the submissions made on behalf of the
State, this writ application is dismissed for non-prosecution.

(Sudhir Singh, J)

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