

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.23347 of 2019**

=====

Ram Uday Sharma, aged about 55 years, Male, Son of Raj Nandan Sharma,  
Resident of Village- Paibigha Dih, P.S.- Main (Belaganj), District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Road Construction Department, Bihar, Patna.
2. The Chief Engineer, Road Construction Department, Bihar, Patna.
3. The Executive Engineer, Magadh Division, Gaya.
4. The District Magistrate, Gaya.
5. The Sub-Divisional Public Claim Redressal Officer, Gaya.
6. The Sub-Divisional Officer, Gaya.
7. The Executive Engineer, Road Construction Department, Road Division-6, Jehanabad.
8. The Circle Officer, Belaganj, Gaya.
9. The Circle Amin, Belaganj, Gaya.
10. The Officer in-Charge, Paibigha Assistant Police Station Main Belaganj, Gaya.
11. The Contractor, Belaganj-Rampur- Paibigha Road, Belaganj, Gaya.

... .. Respondent/s

=====

**Appearance :**

For the Petitioner/s : Mr.Binod Kumar  
For the Respondent/s : Mr.Syed Iqbal Ahmad ( Sc20 )

=====

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA**  
**ORAL ORDER**

2      26-11-2019                      Heard both sides.

The petitioner seeks relief that the order as contained in Letter No.1205, dated 01.10.2019, issued by the Executive Engineer, Road Construction Department, Road Division No.1, Jehanabad be quashed and to grant compensation to the petitioner for construction of road over the private land of the petitioner and to grant any other relief or reliefs.



Learned counsel for the petitioner submits that the petitioner is the owner of Plot No.3534, Khata No.431, situated in Paibigha Surya Mandir. Under the scheme of the Government, road from Rampur to Paibigha Market was under construction and when the road reached near the pond of Surya Mandir situated in the Eastern side of the temple, the Road Construction Department constructed the road over the land of the petitioner. The petitioner earlier filed CWJC No.8078 of 2019 and this Court by order dated 24.04.2019 directed the petitioner to file petition before the Public Grievance Redressal Officer under the Bihar Right of Public Grievance Redressal Act, 2015 and the Public Grievance Redressal Officer shall dispose of the petition of the petitioner within a reasonable time. The Public Grievance Redressal Officer passed the order on 15.07.2019 who recorded the finding on the basis of the pleadings of the petitioner that the petitioner wanted to get the road constructed in the middle of his land but the Road Construction Department constructed the road on the Eastern side of the land of the petitioner and as such, the Public Grievance Redressal Officer directed the Executive Engineer, Road Construction Department to consider for realignment of the road. The Executive Engineer by his letter dated 01.10.2019



as contained in Letter No.1205 found that the pucca road has been constructed over already existing road situated on the land of the petitioner and realignment of the road is not possible. It is submitted that if the realignment of the road is not possible, the petitioner be granted adequate compensation for the lands on which the road has been constructed.

It appears from perusal of the order of the Sub-divisional Public Grievance Redressal Officer that the petitioner himself had agreed for construction of road on his land situated near the Paibigha Surya Mandir and with the consent of the petitioner, firstly, mud built road was constructed for the use of the villagers. The petitioner never raised any grievance at the time of construction of mud built road. When *pucca* road was being constructed by the Road Construction Department, the petitioner raised objection and the Road Construction Department found that earlier with the consent of the petitioner, firstly mud built road was constructed on the land of the petitioner for use of villagers. Villagers used the road for years and thereafter *pucca* road was constructed with the consent of the petitioner on the existing road but thereafter petitioner raised objection and insisted for realignment of road but the authority found that after construction of road,



realignment is not possible. It is obvious that the road was constructed on the land of the petitioner with the prior consent of the petitioner. I find that the petitioner is not entitled to get any compensation.

Having considered the facts aforesaid, I do not find any merit in this writ petition. Accordingly, the writ petition is dismissed.

**(Prabhat Kumar Jha, J)**

S.KUMAR/-

|   |  |  |  |
|---|--|--|--|
| U |  |  |  |
|---|--|--|--|

