

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4525 of 2016

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Shatrughan Rai S/o Late Lal Rai Resident of village - Raghunathpur, P.S.
Warisnagar, District - Samastipur

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Commissioner, Darbhanga Division, Darbhanga
3. The Collector Samastipur, District - Samastipur
4. The Sub - Divisional officer, Samastipur, District - Samastipur
5. The Circle officer, Warisnagar Block, P.S. Warisnagar, District - Samastipur

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad, Advocate
For the State : Mr. Apurv Harsh, AC to SC 28

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 13-02-2020

Heard learned counsel for the petitioner and learned AC
to SC 28 for the State.

2. The petitioner has moved the Court for the following
relief:

“That this is an application for issuance of a writ in the nature of mandamus and/or any other appropriate writ, order or direction commanding upon the respondents to construct the approach road for the village from the R.E.O. Road to the house of the Shatrughan Rai (Petitioner) in village Raghunathpur, Anchal and P.S. Warisnagar for which the land was acquired on 13.2.2009 in land acquisition case no. 3/2008-09 but till date the road has not been constructed.”



3. Counter affidavit has been filed on behalf of respondent no. 4 stating that Madanmohan Rai and others had filed CWJC No. 17905 of 2010 against the action of the State of building a road on their private land without notice for any land acquisition proceedings in which by order dated 03.11.2010 the State Government was restrained from taking possession of the land of the petitioner. It was submitted that the said writ petition had been filed against taking over of .95 acres of land for construction of a road from the house of Chandeshwar Rai to the house of Satrugan Rai alleging that it was merely to accommodate a single person. It was submitted that the said case was dismissed due to non-prosecution on 22.05.2015 but was subsequently restored by order dated 29.11.2017 in MJC No. 3766 of 2016.

4. Having considered the matter and taking into account the fact that the Court would not direct the authorities to build the road as it is in the domain of the executive to consider the feasibility of building of such road, no mandamus can be issued in the matter on the relief prayed for by the petitioner in the present writ application.

5. In view thereof, the writ petition stands disposed off. However, it shall be open to the petitioner to move before the



authorities concerned, in accordance with law, with regard to his grievance, as raised in the present writ application.

(Ahsanuddin Amanullah, J)

Anjani/-

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