

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25523 of 2019

=====

Dhananjay Kumar Singh son of Ram Bihari Singh, resident of village Sona Gopalpur, Police station Gaurichak, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, government of Bihar, Old Secretariat Building, Patna-800015.
2. The Principal Secretary Revenue and Land Reforms Department, Government of Bihar, Old Secretariat Building, Patna - 800015.
3. The Principal Secretary, Road Construction Department, Government of Bihar, Patna.
4. The Commissioner, Patna Division, Patna.
5. The Collector, Patna.
6. The Deputy Collector, Land Reforms, Patnacity, District Patna.
7. The Circle Officer, Sampatchak, District Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Verma, Adv.
For the Respondent/s : Mr. Abhay Kumar Kashyap (AC to GP 18)

=====

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 09-09-2020 Heard learned counsel for the petitioner and learned counsel for the respondents through video conferencing.

The petitioner has filed the instant application for restraining the respondents from intended acquisition of the land/building of the petitioner for the purpose of widening the National Highway-I (Sadikpur/Pabhera-masaurhi Road SH-01) without initiating any land acquisition proceeding in respect of the petitioner's property.

Two interlocutory applications on behalf of the



petitioner and a counter affidavit on behalf of the respondent nos. 5 and 7 has been filed.

I.A. No. 1 of 2019

This interlocutory application has been filed by the petitioner praying for amendment and correction in paragraph nos. 1, 2, 4, 14 and 15 of the application. The amendments are formal in nature and the same are allowed.

The I.A. No. 1 of 2019 stands allowed.

It may be mentioned here that one of the amendments prayed for and allowed in the above interlocutory application is that the plot number of the land of the petitioner be mentioned as plot no. 1069 in place of plot no. 1066 and that the road on which the said plot is situated is State Highway and not the National Highway.

It is the case of the petitioner that he is the owner and has been coming in possession of the land/building appertaining to Khata no. 244, plot no. 1069 as descendants of the khatiyani raiyats. Further case of the petitioner is that the Circle Officer along with his subordinate staff started marking the land/plot including that of the petitioner herein as being under encroachment, with intention of removal of the same by demolition for widening of the state highway.



A counter affidavit has been filed on behalf of the respondent nos. 5 to 7, wherein it has been stated that on the direction of the Circle Officer, Sampatchak, the Amin submitted his measurement report dated 6.7.2020 (Annexure-B) along with the trace map. As per the report, for the purpose of widening of the highway, the plot in question is survey plot no. 1437 and on the other hand the plot of the petitioner is survey plot no. 1069. The land and house of the petitioner being situated on plot no. 1069, it has no concern nor are they an impediment in widening of the State Highway. At this stage paragraph 9 of the counter affidavit may be quoted herein below for ready reference:

“9. That as per the aforesaid measurement report dated-06.07.2020, the house of the petitioner situated in the plot no. -1069 does not come under the plot no. -1437 which is being used for the construction of the road for the widening of the National Highway Sadikpur/Pabhera-Masaurhi Road (SH-01). This has been clearly shown in the tress map where the land of the petitioner does not come under the said road which is plot no. -1437.”

In view of the above categorical statement of the respondents in their counter affidavit together with the report of the Amin, it is submitted by learned counsel for the petitioner that no further order need be passed and the instant writ



application may be disposed of.

In view of the above, the writ application stands disposed of.

(Partha Sarthy, J)

sushma/-

U			
---	--	--	--

