

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7689 of 2020

Shankar Ray, Son of Late Ram Dev Ray, Resident of Village- Khajuri, Gram Panchayat Raj Laxman Nagar, P.S.- Gaighat, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate cum Collector, Muzaffarpur.
2. The Sub-Divisional Officer, West, Muzaffarpur.
3. The Deputy Commissioner Land Reforms, Muzaffarpur.
4. The Circle Officer, Block- Gaighat, District- Muzaffarpur.
5. The Panchayat Secretary of Gram Panchayat Raj Janta
6. The Mukhiya of Gram Panchayat Raj Janta

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Yugal Kishore, Advocate

For the Respondent/s : Mr.Lalit Kishore (AG)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 24-06-2021

Heard learned counsel for the petitioner and the State.

2. Learned counsel for the petitioner submits that the respondents without acquisition of land have made construction of road on the private land of the petitioner, which has been disputed by the respondents.

3. In its rejoinder to the counter affidavit, it has been stated by the petitioner that in Khesara no.8, Khata no. 162, the land was purchased by petitioner from Prit Lal Rai, Shashi Shekhar Rai and Uma Rai on 21.07.1979 for a consideration money of Rs.90,000/- and since then he is coming in possession over the land and he is paying rent for the same. He submits that measurement was done by the Anchal Amin and it has come in the report that on the eastern side of the said plot, road has been



constructed. The averment made in para. 5 of the rejoinder to the counter affidavit is quoted herein below:

“5. That however on a petition filed by the petitioner before the Anchal Adhikari, Gaighat on depositing cost a Govt. Amin measure the land over which the village road was constructed who measure the land of the petitioner being Plot No. 8 and submitted a report to the Anchal Adhikari, Gaighat saying that over Khesra No. 8, belonging to the petitioner from eastern side of the said plot road has been constructed. The report of the Anchal Amin has already been annexed as Annexure--3 to this rejoinder affidavit.”

4. From the averments, it is evidently clear that the road has been constructed in the eastern side of the land and not on the land of the petitioner and in that view of the matter the Court is not inclined to issue any positive direction. However, liberty shall be available to the petitioner to approach the competent Civil Court and if it is found that the land of the petitioner has been used by the State without acquiring the land, the court will appropriately decide the issue in accordance with law.

5. With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

uday/-

AFR/NAFR	NAFR
CAV DATE	NA
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