

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.258 of 2020

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1. Umesh Das Akantak Son of late Devnandan Das, Resident of Village-Shambhupur Koari, P.O. Asoi, P.S. Sarai, Anchal- Bhagwanpur, District-Vaishali.
 2. Gajendra Singh, Son of late Indradeo Singh, Resident of Village-Shambhupur Koari, P.O. Asoi, P.S. Sarai, Anchal- Bhagwanpur, District-Vaishali.
 3. Shiv Chandra Mahto, Son of late Sirpal Mahto, Resident of Village-Shambhupur Koari, P.O. Asoi, P.S. Sarai, Anchal- Bhagwanpur, District-Vaishali.
 4. Satyanarain Das, Son of Sri Visheshwar Das, Resident of Village-Shambhupur Koari, P.O. Asoi, P.S. Sarai, Anchal- Bhagwanpur, District-Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Rural Works Department, Government of Bihar, Patna.
3. The Principal Secretary, Department of General Administration, Government of Bihar, Patna.
4. The District Collector, Vaishali, Hajipur, P.O. Hajipur, District- Vaishali.
5. The District Land Acquisition Officer, Vaishali at Hajipur, P.O. Hajipur, District- Vaishali.
6. The Deputy Collector, Land Revenue, Hajipur, District-Vaishali.
7. The Sub- Divisional Officer, Hajipur, Vaishali.
8. The Circle Officer, Bhagalpur, District- Vaishali.
9. The Executive Engineer, Rural Works Department, Works Division, Hajipur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Ratna Deep Prasad, Advocate
		Mr. Sunil Kumar Singh, Advocate
For the Respondent/s	:	Mr.Kumar Alok, SC-7

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 12-07-2021



Petitioner has prayed for the following relief(s):-

“A) For issuance of a writ in the nature of Mandamus or any other appropriate writ or writs, direction or directions commanding the Respondents particularly the Respondent No.2 to abide by the undertakings given before the Hon’ble Court in C.W.JC. No. 1104 of 2018 And, to complete the execution of Sampark Path Yojna No.01/07-08, initiated for construction of connecting road in Brahmsthani Tola of Shambhupur Koari Village, Anchal- Bhagwanpur, P.S.-Sarai, in the District of Vaishali.

B)Further for direction upon the Respondents to complete the said project in terms of earlier gazette plan to avoid delay as it is more suitable and more convenient as it involves less raiyati land without any protest.

C) For any other relief or reliefs as may be deemed fit and appropriate for the purpose.

The dispute emanates out of inter se rivalry between two groups of the area who want the road under the Mukhya Mantri Gramin Sampark Path Yojana to be constructed as per their desire and convenience.

This Court cannot adjudicate the issue which is left best to be considered by the administration, after accounting for several factors, including the feasibility; convenience; purpose and object for construction of the road.



We are aware that on previous occasion, this Court had directed the State to complete the execution of the road, commonly termed as Brahmsthani Tola of Shambhupur Koari Village, Anchal- Bhagwanpur, P.S.- Sarai, District- Vaishali. But, then the problem has arisen as the villagers, all of them are not willing to donate their land for the construction of the road in terms of order dated 14th of March, 2019 passed by this Court in C.W.J.C. No. 1104 of 2018, titled as Umesh Das Anantak and Ors. Vs. the State of Bihar & Ors.

From the affidavit filed by the State, it is apparent that the road needs to be re-aligned for the reason that the land-owners are objecting to the donation of the land.

As such, we cannot issue a mandamus directing the authorities to construct the road, as per the petitioner desire as prayed for in the present writ petition, more so in view of the objection raised by the intervenor.

However, the only direction which can be issued to the authorities is to take a decision at the earliest on the realigning of the road, ensuring that the same is completed at the earliest. Needless to add, the authority shall account for all the factors, including the popular voice of the residents of the locality; their convenience; feasibility; object and purpose for



which the road is going to be constructed, catering to the need of the local populace, including those hailing from the marginalized sections of the society.

As such, we dispose of the present petition with a direction to the Respondent No. 2 namely the Principal Secretary, Rural Works Department, Government of Bihar, Patna to immediately call a meeting of all the stake holders, including Respondent No. 3 namely the Principal Secretary, Department of General Administration, Government of Bihar, Patna, Respondent No. 4 namely the District Collector, Vaishali, Hajipur, P.O.- Hajipur, District- Vaishali and Respondent No. 5 namely the District Land Acquisition Officer, Vaishali at Hajipur, P.O.- Hajipur, District- Vaishali and take an appropriate decision on the construction of the road in question.

Let an affidavit of compliance be positively filed within a period of six months.

Liberty reserved to the petitioner as also the intervenors and any other public spirited person to approach Respondent No. 2 inviting attention of their respective contentions and submissions.

Liberty also reserved to the private parties to take recourse to such other remedies as are otherwise available,



including approaching this Court afresh on the subsequent cause of action.

The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.

Learned counsel for the respondents undertakes to communicate the order to the appropriate authority through electronic mode.

(Sanjay Karol, CJ)

(S. Kumar, J)

Ashwini/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

