

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.149 of 2021

In
Civil Writ Jurisdiction Case No.20047 of 2016

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1. Prithwi Raj Chaudhary Son of Rambahadur Chaudhary, Resident of Ward - 1, Gram - Raipur, P.S. - Kauria Raipur, District - Sitamarhi.
 2. Randhir Kumar Chaudhary, Son of Rambahadur Chaudhary, Resident of Village- Pupri, Ward No. 10, P.S. - Pupri, District - Sitamarhi.

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Govt. of Bihar.
2. The Additional Secretary, Land Acquisition (Directorate), Govt. of Bihar, Patna.
3. The District Collector, Sitamarhi.
4. The Land Acquisition Officer, Sitamarhi.
5. The Executive Officer, Nagar Panchayat, Janakpura Road, Pupri, District - Sitamarhi.
6. Bihar State Road Development Corporation Ltd., A Govt. of Bihar undertaking PIU-3, Hazipur, District - Vaishali, through its Deputy Manager (Technical).
7. Ashok Kumar Chaudhary, aged - Not known, Resident of Village - Jhansihar, P.S. - Pupari, District - Sitamarhi.
8. Jagdish Prasad, aged - Not known, Resident of Village - Jhansihar, P.S. - Pupari, District - Sitamarhi.

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
and

HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 30-06-2022

Heard the learned counsel for the parties.



The appellants had approached this Court for challenging the decision of the Government to acquire their land under Plot Nos. 345, 355, 330 and 349, which was located by the side of the road, for the purposes of construction of the over-bridge by the Bihar State Road Development Corporation.

The reason for the appellants objecting to such acquisition was that only in order to save a tower which was erected by a local MLA in the memory of his father, a need was felt by the Corporation to acquire further land so as to have a straight alignment of the over-bridge. Had that structure not been there or the authorities would have taken a decision to demolish such structure, there would have been no necessity of acquiring land belonging to the appellants.

The learned Single Judge, after having heard the counsel for the parties and taking into account the assertion of the respondents that the tower so erected at the place of the over-bridge would be demolished, rejected the contention of the appellants on the ground that alignment of a bridge is



important as it would be a public utility construction which would ease the traffic snarls.

Before us, the learned counsel for the appellants had initially submitted that the respondents have not carried out the promise which they had made before the learned Single Judge and the tower still stands where it originally stood, thereby giving prop to the supposition of the appellants that the acquisition of their land was motivated and only for the purpose of saving that structure.

But the last of the affidavits filed by the respondents indicate that the tower in question has already been demolished and that the alignment of the over-bridge is absolutely straight. With this affidavit of the respondents, it becomes rather obvious that the land belonging to the appellants was consumed and since the alignment is straight and there is no complaint in that regard, it can safely be presumed that the land of the appellants was needed for a proper construction of the over-bridge.

The learned counsel for the appellants, however, submits that the structure/tower has been demolished much



later and, therefore, such a presumption cannot be made that but for the use of the land belonging to the appellants, the over-bridge would not have had straight alignment.

The aforesaid issue is a separate grievance altogether which cannot form the subject matter of this appeal.

There is nothing in the order of the learned Single Judge which warrants any interference.

The appeal, therefore, is dismissed.

(Ashutosh Kumar, J)

(Jitendra Kumar, J)

skm/-

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