

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.8296 of 2021**

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1. Anil Kumar, S/o Biranchi Prasad Yadav, Resident of Village-Pirnagra, P.S.-Beldaur, District-Khagaria.
  2. Dhananjay Kumar Sharma, S/o Bhuvneshwar Prasad Sharma, Resident of Village-Pirnagra, P.S.-Beldaur, District-Khagaria.
  3. Samsher Kumar, S/o Ramcharitra Sah, Resident of Village-Pirnagra, P.S.-Beldaur, District-Khagaria.
  4. Upendra Sah, S/o Rameshwar Sah, Resident of Village-Pirnagra, P.S.-Beldaur, District-Khagaria.
  5. Mintu Kumar, S/o Ganesh Sah, Resident of Village-Pirnagra, P.S.-Beldaur, District-Khagaria.
  6. Rajendra Sah, S/o Madho Sah, Resident of Village-Pirnagra, P.S.-Beldaur, District-Khagaria.
  7. Amrendra Sah, S/o Sonelal Sah, Resident of Village-Pirnagra, P.S.-Beldaur, District-Khagaria.
  8. Meena Devi, W/o Kailash Sharma, Resident of Village-Pirnagra, P.S.-Beldaur, District-Khagaria.
  9. Ashok Kumar, S/o Ramchandra Sah, Resident of Village-Pirnagra, P.S.-Beldaur, District-Khagaria.
  10. Bipin Kumar, S/o Deep Narayan Sah, Resident of Village-Pirnagra, P.S.-Beldaur, District-Khagaria.
  11. Ashok Kumar, S/o Sukhdeo Prasad Yadav, Resident of Village-Pirnagra, P.S.-Beldaur, District-Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principle Secretary Land Reform Department, Patna at Patna.
2. The Collector, District of Khagaria at Khagaria.
3. The Land Acquisition Officer, Khagaria at Khagaria.
4. The Circle Officer, Beldaur.
5. Union of India through its Chairman, National Highway Authority, Delhi at Delhi.
6. The Principal Secretary, Road Construction Department, Patna at Patna.

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr.Binod Kumar,Advocate      |
| For the State        | : | Mr.Sajid Salim Khan-SC 25    |
| For the A.G.         | : | Mr.Binod Kumar Labh,Advocate |

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**



ORAL ORDER

2      22-09-2022                      Heard learned counsel for the petitioners and the respondents.

2. The petitioners have filed the present writ application for a direction to the respondent authority to construct four lane road from Maheshkhoot to Saharsa according to sanctioned map and till measurement not demolish the house or shop of the petitioners.

3. Since the respondents have decided to construct road on NH 107, it goes without saying that they are required to construct four lane road as per sanctioned map and if the petitioners are not encroachers over the land on which the four lane road is required to be constructed, then respondents will not disturb the petitioners, but in the event the petitioners are encroachers they cannot claim that they should be allowed to retain encroachment over the land meant for construction of four lane road.

4. Learned counsel for the petitioners submits that the petitioners have already approached the respondents by way of filing representation (Annexure- 5 series).

5. In the aforesaid circumstances, the writ application is disposed of with a direction to the respondents to take appropriate decision on the representations filed by the



petitioner, if not already decided, within a maximum period of four months from the date of receipt/production of a copy of this order.

6. In the meantime, if the petitioners are not encroachers over the land meant for construction of four lane road, they shall not be disturbed.

**(Mohit Kumar Shah, J)**

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