

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3126 of 2023

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Bodhi Rai Son of Late Nasib Rai Resident of Village-Milki Chakbajo, P.S.
Tishiotta, District Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Rural Development, Bihar, Panta.
2. The District Collector, Vaishali at Hajipur.
3. The Panchayati Raj Officer, Vaishali at Hajipur.
4. The Sub-Divisional Officer, Mahua at Hajipur.
5. The Block Development Officer, Block Jamdaha, District-Vaishali at Hajipur.
6. The Circle Officer, Jamdaha, District Vaishali at Hajipur.
7. The Mukhiya Gram Panchayat Raj Adalpur, Block Jamdaha, District Vaishali at Hajipur.
8. The Panchayat Secretary Gram Panchayat Raj Adalpur, Block Jamdaha, District Vaishali at Hajipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sabal Kumar Jha, Adv.
For the Respondent/s	:	Mr. Vikash Kumar (SC-11)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 31-08-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present writ petition has been filed directing
the respondents for not to construct *pucca* road on the land of
the petitioner appertaining to Mauja- Milkichakbaje, Khata No.
80, Khesra No. 239 total area 9 ½ Decimal.

3. Counsel for the petitioner submits that for the said
land, the petitioner has annexed Khatian which is Annexure-1.

He submits that the petitioner has exclusive title and possession over the said land and the Jamabandi was also running in his name. He is also paying the rent receipts.

4. Counsel further submits that he has annexed Annexure-2 which is a rent receipts. Counsel submits that a counter-affidavit has been filed in this case. In the said counter-affidavit, the stand has been taken by the State that the alleged road is a *Gramin Sadak* constructed by the *Panchayat Samiti* on the recommendation of Gram Sabha in the year 2001 and the petitioner had consent for brick soiling on the said road. The State has annexed Annexure-A in which villagers had requested to reconstruct the road and, therefore, the State has taken the stand that the petitioner's case is not maintainable as this road was constructed with consent.

5. Counsel for the petitioner has not filed any objection to the counter-affidavit before the court, but orally mentioned that in Annexure-A, there is no signature of petitioner.

6. Upon going through the records, it transpires that in the Khatiyani, Plot No. 239 contains only 7 and odd Decimal of land. The Annexure-2 (rent receipts) also shows that Plot No. 239 is made up-to only 7 Decimal, but claim of the petitioner is

on 9 ½ Decimal. As such, it transpires to this court that according to his own records, he is entitled for 7 Decimal of land and since no denial to the counter-affidavit has been filed before this court even the counter-affidavit has been received on 20.07.2023 and hearing is going on and reply has also been not filed till hearing.

7. In this view of the matter, the present writ application is hereby dismissed.

(Dr. Anshuman, J.)

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