

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20120 of 2016

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Mithlesh Prasad Son of Late Rajkishor Yadav, Resident of village - Dekuli,
P.S. Makhdumpur, Distt. - Jehanabad

... .. Petitioner/s

Versus

1. The State Of Bihar through the Secretary Public Health Engineering Department, Bihar, Patna.
2. The District Magistrate, Jehanabad
3. The C.O. Makhdumpur, Jehanabad
4. The Executive Engineer, P.H.E.O., Jehanabad
5. The Assistant Engineer, P.H.E.D., Jehanabad
6. The Junior Engineer, P.H.E.D., Jehanabad
7. Brajesh Kumar, S/o no known, R/v P.O. Distt. Nawada

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rashmi Kumari Mandilwar
For the Respondent/s : Mr.Rishi Raj Sinha- Sc19

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 10-04-2023 The present writ petition has been filed seeking the following reliefs:-

“1(i). For issuance of an appropriate writ / order/direction to the respondents for removal of the construction made by the Public Health & Engineering Department (in short P.H.E.D.) own land of the petitioner without any acquisition process.

(ii). For issuance of an appropriate writ/order/direction to the Respondents for making payment of compensation amount to the petitioner for construction made by P.H.E.D. Department without any acquisition.”



The learned counsel for the Respondent-State has referred to the counter affidavit, filed in the present case, to submit that a report was called for from the Circle Officer, Makhdumpur, Jehanabad, regarding the claim of the petitioner and it has been reported, vide letter no. 200 dated 2.7.2017, written by the Circle Officer, Makhdumpur, Jehanabad, that Khata No. 87, Plot No. 149, Mauja Deokuli, admeasuring 66 decimal is a gairmajarua land, which has been mentioned in the register as 'Rasta' and the same has not been registered in the name of any person. It is also submitted that the land, pertaining to Khata No. 87, Plot No. 149, Mauja Deokuli, was never in possession of the petitioner and more importantly, he did not raise any grievance prior to construction activity having taken place thereon.

In view of the aforesaid, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to avail such other alternative remedies as are otherwise available under the law. Liberty, so sought, is granted.

The writ petition stands dismissed as not pressed.

(Mohit Kumar Shah, J)

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