

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1019 of 2016

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Kamlesh Kumar Son of Chandeshwar Singh Resident of village - Chak
Fatma, P.S. Tajpur, District - Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector, Samastipur
2. The Collector, Samastipur
3. The Superintending Engineer, Pul Nigam, Samastipur
4. The Sub Divisional Officer, Samastipur

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dilip Kumar Roy, Advocate
For the Respondent/s : Mr.Hitesh Suman, AC to SC-13

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 09-10-2023 Heard learned counsel for the petitioner and learned
A.C. to Standing Counsel – 13.

2. The present writ application has been filed for directing the respondents to pay compensation of the lands acquired by the respondents for approach road to go upon the bridge over Noon river.

3. It is submitted on behalf of petitioner that the land of the petitioner appertaining to Khata no. 55, Plot no. 104/105 measuring an area of 53 decimal is situated in village Chak Fatma, P.S. Tajpur, District Samastipur and out of 53 decimals of land, 21 decimals land was acquired for the construction of bridge over Noon river, vide Land Acquisition Case No. 38 of 1982-83.

4. Learned State counsel, by filing counter affidavit,



submits that pursuant to the direction of the learned Sub-Divisional Magistrate, Samastipur, vide Memo no. 3436 dated 29.12.2015 (Annexure A to the counter affidavit), whereby the Circle Officer was directed to take legal action after enquiry and submit a report, the Circle Officer, Tajpur, vide letter no. 498 dated 24.05.2016 (Annexure B to the counter affidavit), has submitted report before the Sub Divisional Magistrate, Samastipur alongwith trace map give by Anchal Amin stating therein that Road and Bridge have been constructed in Chak Khesra no. 133 and 134 (joint). The complete land of the aforesaid Khesra is 13 Katha and 14 dhurs out of which 07 katha and 19 dhurs land have been utilized for the construction of Road and Bridge. It is further stated in paragraph 9 of the counter affidavit that the statement of the writ petitioner is quite false and concocted and there is not even an iota of truth in it. The road and bridge have not been constructed in Chak Khesra no. 104 and 105, as claimed in writ petition.

5. Having regard to the facts and circumstances of this case, the question as to whether the road and bridge has been constructed on the *raiyati* land of the petitioner, is a question of fact and where there is great deal of dispute on that question which would require detailed examination of evidence, this



question is best decided by a suit and proceeding under Article 226 of the Constitution of India would not be appropriate for the decision of the question.

6. I do not find any merit in this writ application and accordingly, it stands dismissed.

(Prabhat Kumar Singh, J)

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