

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18922 of 2014

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Suresh Ray Son of Late Ram Chandra Ray, Resident of Village - Rampur
Dhudhpura, Ward No. 12, P.S. - Muffasil, District - Samastipur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Superintendent of Police, Samastipur.
3. The Sub Divisional Officer Samastipur.
4. The Station House Officer, Muffasil Police Station, Samastipur.
5. The Circle Officer, Samastipur.
6. The Circle Inspector Circle Office, Samastipur.
7. The Anchal Amin, Samastipur.
8. The Halka Karmchari Circle Office, Samastipur.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Kundan Kumar, Advocate
For the Respondent/s : Mr. Dhurjati Kr. Prasad, GP-7

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 28-06-2023

Heard learned counsel for the petitioner and
learned counsel for the State.

2. The present writ petition has been filed for
restraining the respondents from constructing *pucca* road on the
petitioner's land bearing Khata No. 1051 (old) 1501 (new), Plot
No. 1025(old) 1262 (new) total area 3 *Kattha* 13 *Dhur* situated
at Village-Rampur Dhudhpura, Ward No. 12, P.S.-Muffasil,
District- Samastipur.

3. Learned counsel for the petitioner submits that

the respondent authorities are trying to construct 10 feet wide road on the petitioner's land. Counsel for the petitioner fairly submits that his ancestors has given consent for construction of only 5 feet wide road on his land, for rest area petitioner has objection and submits that if State constructs road on more than 5 feet on his land then he is entitled for compensation. Counsel further submits that the persons who are residing adjacent to the said existing 5 feet village road are not ready to provide the land without compensation. In this background, petitioner has strong objection that his land 10 feet wide may not be taken from him, he has already given only 5 feet land from his land.

4. Learned counsel for the State submits in his counter affidavit that this road was old road for which consent was already given at the time of ancestors of the petitioners. He further submits that upon objection of the petitioner, the construction work has been stopped.

5. In response thereof, counsel for the petitioner submits that the construction work has been stopped only after filing of the writ petition.

6. Upon going through the pleadings and hearing the parties, this Court is of the view that petitioner has fairly offered his 5 feet land for *rasta* without any compensation,

therefore, it is not proper for State to take further 5 feet land from his raiyati land. The petitioner himself offered that if State is interested to make the said land 10 feet wide then in that case this land may be taken with his consent but only after payment of the compensation for 5 feet of the land or the Sate should pursue to take land of other raiyats who are situated adjacent to the road.

7. In this view of the matter, the present writ petition is disposed off directing the respondent not to disturb the petitioner’s land other than 5 feet which he has already offered and if the Government want to construct road, his land shall be taken only and only upon payment of compensation with the current rate.

(Dr. Anshuman, J.)

ravishankar/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	