

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14768 of 2022

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Jai Shankar Sharma, Son of Sri Raghuvansh Sharma, Resident of Village-
Ganga Sarai, P.S.- Barahiya, District- Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Road Construction Department, The Government of Bihar, Vishwashvraiya Bhawan, Bailey Road, Patna.
2. The Principal Secretary, Gramin Karya Vibhag, Vishwashvraiya Bhawan, Bailey Road, Patna.
3. The Engineer-in-Chief, Road Construction Department, Government of Bihar, Vishwashvraiya Bhawan, Bailey Road, Patna.
4. The Chief Engineer, Road Construction Department, Government of Bihar, Vishwashvraiya Bhawan, Bailey Road, Patna.
5. The Chief Engineer, Gramin Karya Vibhag, Vishwaraiya Bhawan, Bailey Road, Patna.
6. The Collector/District Magistrate, Lakhisarai.
7. The Executive Engineer, Road Construction Department, Lakhisarai Division, Lakhisarai.
8. The Circle Officer, Barahiya, Lakhisarai.

... .. Respondent/s

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Appearance :

For the Petitioner : Mr. Rajesh Mohan, Advocate
For the State : Mr. Tripurari Nath Ambastha, AC to SC-26

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 11-12-2023

1. Heard learned counsels for the parties.

2. This writ application has been filed by the petitioner seeking a direction to the respondents to remove the road which has been construction on the raiyati land of the petitioner situated at Village- Jaitpur, P.S.- Barahiya, District- Lakhisarai appertaining to Mauza- Nathanpur, Thana No. 180, Khata No. 67, Khesra No. 1009, 1061, 1038 and 1026, Area- 3 acres 7.5 decimals.



3. Learned counsel for the petitioner submits that the petitioner is the owner of the piece of land situated in Village- Jaitpur, P.S.- Barahiya, District- Lakhisarai appertaining to Mauza- Nathanpur, Thana No. 180, Khata No. 67, Khesra No. 1009, 1061, 1038 and 1026, Area- 3 acres 7.5 decimals. Petitioner has acquired his ancestral land and maintaining his possession as well as paying required taxes to the State of Bihar and receipts have also been granted against the same. It is submitted that respondents came out with Yojna No. BR19RO37 under the Prime Minister Gram Sadak Yojna for connecting Kamarpur village to Barahiya via Nathanpur and without giving any notice or taking consent of the petitioner, the raiyati land of the petitioner has been used for construction of the road.

4. It is not in dispute that the said scheme of Prime Minister Gram Sadak Yojna for the construction of road did not contemplate acquisition of land rather consent of the land owners was needed to implement the scheme.

5. A counter-affidavit has been filed on behalf of the State. It is contended that in the present case, the road was actually constructed in the year 2010-2011 by the Roral Works Construction Division, Sheikhpura under the Prime Minister Gram Sadak Yojna No. BR19R037 and in the year 2019-2020,



only widening/strengthening the alignment of the said road has been done without occupying any further land. It is further contended that at the time of construction of the road, no objection was raised by the petitioner.

6. There is no material on record to suggest that when the road was being constructed, the petitioner raised any grievance against the same. In fact, he remained silent when the road was being constructed indicates that he had agreed to construction of the road. More than ten years after construction of the road under the Prime Minister Gram Sadak Yojna, no relief can be granted to the petitioner as has been sought in the present writ application.

7. This writ application is accordingly dismissed.

(Prabhat Kumar Singh, J)

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