

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15680 of 2023

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1. Pankaj Sharma Son of Ram Vijay Sharma Resident of Village-Barahi, Police Station-Goh, District-Aurangabad.
 2. Ajit Singh Son of Ram Lakhn Singh Resident of Village-Hasanpura, Akauni, Police Station-Goh, District-Aurangabad-824129 (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Road Construction Department, Government of Bihar, Patna.
2. The Chief Engineer, Road Construction Department, Bihar, Patna.
3. The Commissioner, Magadh Division, Gaya.
4. The Collector, Aurangabad, Bihar.
5. The Sub Divisional Officer, Daud Nagar, Aurangabad, (Bihar).
6. The Circle Officer, Goh, Aurangabad
7. Badri Singh Son of Munilal Singh Resident of Village and P.S.-Goh. District-Aurangabad.
8. Rakesh Kumar Son of Late Piyush Prasad Resident of Village and P.S.-Goh. District-Aurangabad.
9. Hari Shankar Dubey Son of Late Sumit Kumar Resident of Village and P.S.-Goh. District-Aurangabad.
10. Pankaj Dubey Son of Late Dhanjay Dubey Resident of Village and P.S.-Goh. District-Aurangabad.
11. Nabin Sharma Son Rajesh Prasad Sharma Resident of Village and P.S.-Goh. District-Aurangabad.
12. Harenda Singh Son of Surya Nath Singh Resident of Village and P.S.-Goh. District-Aurangabad.
13. Prasadi Bhagat Son of Ranjit Blufa Resident of Village and P.S.-Goh. District-Aurangabad.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Devesh Nandan, Advocate
For the Respondent/s : Mr. Ajit Kumar, GA-9

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 03-11-2023

The petitioner by the above Public Interest



Litigation seeks for construction of an approach road to Bilaroo Bridge, Goh and Rafiganj-Goh Road through the government acquired land and after removing the encroachers. The petitioner's contention is that the land was acquired by the Government at the expense of the Gaya District Board for the construction of an approach road to the Bilaroo Bridge on Rafiganj – Goh Road on 20.07.1914. Though an approach road was constructed, in the near past, the Public Works Department carved out a branch road, as a result of which the approach road to the Bilaroo Bridge is effectively rendered inaccessible. It is also contended that there are anti-social elements who have made unauthorised constructions, which have resulted in the approach road being made inaccessible.

2. It is not clear, whether the road constructed in the recent past or the encroachments; have rendered inaccessible the approach road.

3. The pleadings are not clear, and if there is an encroachment alleged by the party respondents impleaded as respondent nos. 7 to 13, then it is only proper that the petitioner approach the appropriate authority under the Bihar Public Land Encroachment Act, 1956.

4. With the above reservation, the writ petition



stands dismissed, making it clear that there is no observation made on the *locus standi* of the petitioner to approach the authority under the Bihar Public Land Encroachment Act, 1956, or regarding the merits of the allegation regarding encroachment, which the Authority under the Act will consider.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

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