

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1331 of 2017

1. Someshwar Prasad Gupta and Ors Son of Late Biren Sah, Resident of Village- Dihi, Post- Dhanha, P.S.- Dhanha, District- West Champaran.
2. Paras Sah Son of Late Biren Sah, Resident of Village- Dihi, Post- Dhanha, P.S.- Dhanha, District- West Champaran.
3. Madhusudan Prasad Gupta, Son of Late Biren Sah, Resident of Village- Dihi, Post- Dhanha, P.S.- Dhanha, District- West Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Department of Road Construction, Government of Bihar, Patna.
3. The Engineer-in- Chief, Department of Road Construction, Government of Bihar, Patna.
4. The District Magistrate, West Champaran at Bettiah, District- West Champaran.
5. The Sub-Divisional Officer, Dhanha, District- West Champaran.
6. The Circle Officer, Block- Madhubani, District- West Champaran.
7. The Chairman, Bihar Rajya Pul Nirman Nigam Ltd., Patna.
8. The Managing Director, Bihar Rajya Pul Nirman Nigam Ltd., Patna.
9. The Senior Project Manager, Special Work Division, Bettiah of Bihar Rajya Pul Nirman Nigam Ltd.
10. Ujjain Engicom Pvt. Ltd., Balmiki Nagar Bettiah, P.S. Bettiah, District- West Champaran at Bettiah.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Subhash Kumar Jha, Advocate
For the Respondent/s	:	Mr. P.K. Sahi, Sr. Advocate
		Mr. R.K. Priyadarshi, Advocate
		Mr. Mahendra Prasad Verma, AC to SC 20

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 13-05-2024 Heard the parties.

2. The present writ petition has been preferred for:

issuance of a writ in the nature of
Mandamus commanding the respondents to



not use Khatiyani land of petitioners while making construction of proposed road as there already exists a road in survey map with extra 10 feet land by each side of the road (in survey map) and further for a direction upon the respondents to not disturb the petitioners from the rightful enjoyment of their land.

3. In this case, twice adjournment was made on 01.04.2024 and 29.04.2024 enabling the petitioners to file interlocutory application in view of the fact that the petitioner no. 1, Someshwar Prasad Gupta is dead.

4. No such affidavit is on record and in that background, let the petitioner no. 1, Someshwar Prasad Gupta is deleted from the writ petition.

5. A counter affidavit on behalf of respondent nos. 4 to 6 namely, the District Magistrate, West Champaran, at Bettiah, the Sub-Divisional Officer, Dhana, West Champaran and the Circle Officer, Madhubani, West Champaran respectively has been filed after service of copy upon the learned counsel for the petitioner and paragraph nos. 6 ,7 and 8 read as follows:

“6. That on the proposal of acquisition of land of petitioners compensation amount of Rs. 7,45,946/-



(Seven lacs forty five thousand nine hundred forty six) was prepared as award and Notice was issued on 10-3-2019 to the petitioners for receiving the amount of compensation but the petitioners neither inclined to receive the award nor given their consent for acquisition of their land. In the meantime the petitioner moved before this Hon'ble Court by filing of this writ petition.

7. That thereafter the proposed route of approach road was slightly changed and diverted towards the survey road leaving the land of petitioners and the construction works has been completed without acquiring the land of petitioners.

8. That to ascertain Officer, of facts the Madhubani Circle (respondent No. 6) has got the land of petitioners bearing Khata No.- 58, Plot No. 7013 got measured on 20-4-2024 by the Anchal Amin, Madhubani and Amin of District Land Acquisition Department, Bettiah in presence of the son of petitioners and other authorities Construction Department of Road and thereafter the Anchal Amin and Amin of Land Acquisition Department have submitted their joint report alongwith the trace map office of respondent No. 6 stating therein that the land of petitioner doesn't come under the construction of approach



road.”

6. From the aforesaid facts which has been filed also on behalf of the Collector, West Champaran, it is clear that the land of the petitioner has not been taken in the construction of the approach road. They have also attached the map in support of the contention.

7. In that background, the writ petition has got no merit and is accordingly disposed of.

(Rajiv Roy, J)

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