

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4042 of 2020

Rajnarayan Sah, s/o Late Asharfi Sah, resident of village and P.O.- Chatursi,
P.S.- Chatursi, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar, Principal Secretary, Road Construction Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Road Construction Department, Govt. of Bihar, Patna.
3. The Principal Secretary, Rural Works Department, Govt. of Bihar, Patna.
4. The Engineer-in Chief, Road Construction Department, Govt. of Bihar, Patna.
5. The Chief Engineer, North Bihar Section, Road Construction Department, Govt. of Bihar, Patna.
6. The District Magistrate, Muzaffarpur, District- Muzaffarpur.
7. The Circle Officer, Siwaipatti, Circle- Minapur, District- Muzaffarpur.
8. The Executive Engineer, Road Construction Department, Muzaffarpur (West).
9. The Executive Engineer (Esexutive Agency), Rural Works Department, Muzaffarpur (West).
10. M/s Jai Construction through its proprietor namely Dipul Rai, resident of -Nauriman, P.S.- Rajepur, District- East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Singh, Advocate
For the Respondent/s : Mr. Swapnil Kumar Singh, AC to GP-19

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

8 11-03-2024 Heard the parties.

2. The present writ application has been preferred for
the following relief:

*“(i) For issuance of an appropriate writ in
the nature of Mandamus commanding and
directing the respondents to conduct an enquiry*



in view of letter contained in Memo No. 7908 dated 16.10.2019 issued under the signature of respondent no.4.

(ii) For issuance of an appropriate writ in the nature of Mandamus commanding and directing the respondents to restrain the respondent no.7 and 8 for construction of the road on following plots (i) Khata No. 15, Khesra No.1, Area 2 katha 1.5 dhur from West-North Side (ii) Khata No. 15, Khesra No.863, 864, Area 2 katha 12 dhur from West side and (iii) Khata No. 15. Khesra No.876, Area 1 katha 14 dhur under Village-Hardepatti to Kuama which is being started under Chief Minister Rural Scheme and further a direction for removal of encroachment from said land since without acquisition of land and any legal proceeding, the authorities are usurping the private land of the petitioner forcefully, particularly when the Anchal Amin has found that land of the petitioner has been encroached.

(iii) For issuance of any other appropriate



writ/writs, order/ orders, direction/ directions for which the writ petitioner shall be found entitled under the facts and circumstances of the case.”

3. A supplementary counter-affidavit on behalf of the respondent Nos. 6 and 7 is on record and paragraphs 7 to 9 read as follows:

“7. That Anchal Adhikari Minapur constituted a committee of three Amins namely Sri Satyendra Kumar Sri Rakesh Kumar and Sri Sumit Kumar for measurement of the land in question and accordingly they reached on spot on 10.02.2024 and in the presence of Halka Karamchari, Rajaswa Adhikari, Anchal Adhikari Minapur, Local persons and also in the presence of petitioner Raj Narayan Sah, land in question was measured and the committee submitted their report before C.O. Minapur stating that a road has been constructed over the land of the petitioner which is as follows:-

Khata No.	Khesra No.	Area	Remarks
15	1	8 ½ Dec.	From North



			West
15	863	1.4 Dec.	From West
15	864	3.6 Dec.	From West
15	876	3 ¾ Dec.	From West

8. That Anchal Amin submitted trace map of the disputed land, measurement report and also a memorandum of measurement duly signed by local persons and all concernings.

9. That thereafter Assistant Collector cum C.O. Minapur sent Letter No. 300 dated 12.02.2024 to the Executive Engineer, Rural Work Department, Work Division, Chakiya, East Champaran for necessary action regarding the matter in dispute.”

4. In that background, the respondent Nos. 6 and 8 are directed to take the matter to its logical conclusion inasmuch as having accepted the aforesaid facts as incorporated in the matter they are duty bound to make payment.

5. The aforesaid exercise be completed within a period of four months from the filing of the representation



alongwith the order by this petitioner.

6. CWJC No. 4042 stands disposed of.

(Rajiv Roy, J)

Adnan/-

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