

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14927 of 2018

1. Pawanjeet Kumar Jha and Anr son of Bhushan Jha,
2. Prabhat Kumar Jha, Son of Aaprup Jha, Both are resident of Village- Hirani, P.S.- Kusheshwar Asthan, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Principal Secretary, Rural Works Department, Bihar, Patna.
3. The Chief Engineer North, Rural Works Department, Muzaffarpur.
4. The District Magistrate, Darbhanga.
5. The Sub Divisional Magistrate, Biraul, Darbhanga.
6. The Circle Officer, Kusheshwar Asthan, Darbhanga.
7. The Junior Engineer, Road Construction Department, Darbhanga Circle, Darbhanga.
8. The Ward Member, Ward No. 10, Gram Panchayat- Hirani, Kusheshwar Asthan, Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Jha
For the Respondent/s : Mr.Kameshwar Prasad Gupta -Gp10

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT

Date : 18-11-2024

In the instant petition, petitioners have prayed for
the following relief(s):-

(i) For issuance of an appropriate writ/s, direction/s, order/s to the respondent to stop construction of village road in Mauza- Hirani, Khata no.- 658, Thana no.- 233, Khesra No.- 1690 and 1691 which is private land of the petitioners.

(ii) For issuance of an appropriate writ/s, direction/s, order/s to the respondents to construct the



village road on Mauza- Hirani, Khata no.- 658, Thana no.- 233, Khesra No.- 1692 which is shown as public rasta in Village- map of Village- Hirani but due to dictatorial attitude of the ward member of ward no. 10 the road is being constructed on the private land of the petitioner without seeking any permission from them or paying any amount to them, since there are ditches on the old existing public road situated at Plot no. 1692.

(iii) For issuance of an appropriate writ/s, direction/s, order/s to the respondents to pay damages to the petitioner for unlawful use of their raiyati land situated in Khata no. 658, Khesra no. 1690 and 1991.

(iv) To pass such other order/s as your lordships may deem fit and proper in the facts and circumstances of the case.

2. Learned counsel for the petitioners submit that the land appertaining to Khata no.- 658, Thana no.- 233, Khesra No.- 1690 and 1691, Mauza- Hirani is private land of the petitioners. He further submits that the land in question has been taken away by the Respondent No. 7 - the Junior Engineer, Road Construction Department, Darbhanga Circle, Darbhanga as well as the Respondent No. 8 - Ward Member, Ward No. 10, Gram Panchayat – Hirani, Kusheshwar Asthan, Darbhanga. He further submits that the land in question was purchased by the



father of the petitioner and he is the legal owner of the land in question but without following any process of land acquisition, the respondent authorities have taken away the land of the petitioner. He further submits that petitioner has represented before the Circle Officer, Kushehwar Asthan, Darbhanga, Junior Engineer, Road Construction Department, Darbhanga Circle, Darbhanga as well as the District Magistrate, Darbhanga but no action has been taken till today.

3. Learned counsel for the State submits that although it is submitted on behalf of the petitioner that petitioners have filed representation before the respondent authorities, however, there is no official receipt in the writ petition which indicates that the petitioner has filed his representation before the concerned authorities. Learned counsel however submits that if the petitioner files fresh representation before the concerned authority, the same shall be looked into.

4. Be that as it may, for seeking writ of mandamus, there must be a demand before the competent authority. At the same time, duty is cast on the concerned public authority. The first ingredient of demand before the competent authority is not forthcoming.

5. Accordingly, the present writ petition stands



disposed of as not maintainable with liberty to the petitioner to represent his grievance afresh before the concerned authority within four weeks from the date of receipt of this order. If petitioner submits his representation before the concerned authority within the stipulated period, the concerned authority is directed to hear the grievance of the petitioner and pass order expeditiously preferably within eight weeks from the date of his representation, in accordance with law.

(Alok Kumar Pandey, J)

alok/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	20.11.2024.
Transmission Date	N/A

