

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.8590 of 2021**

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Ravindra Prasad @ Ravindra Bhagat S/o-Late Makun Bhagat @ Late Mukund Prasad Resident of Vill and P.O.-Bajidpur saidat, P.S.-Bidupur, Dist.-Vaishali, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar.
2. Collector, Vaishali at Hajipur.
3. Sub-Divisional Officer, Hajipur, Vaishali.
4. Block Development Officer, Bidupur, Vaishali
5. Circle Officer, Bidupur, Vaishali
6. Panchayat Secretary, Bajidpur Saidat, Bidupur, Vaishali
7. Mukhiya, Gram Panchayat Bajidpur Saidat, Vaishali

... .. Respondent/s

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**Appearance :**

|                           |   |                            |
|---------------------------|---|----------------------------|
| For the Petitioner/s      | : | Mr.Niraj Kumar, Advocate   |
|                           |   | Ms. Saloni Sinha, Advocate |
| For the State             | : | Mr.Sajid Salim Khan, SC-25 |
| For respondent nos 6 & 7: | : | Najeeb Ahmad, Advocate     |

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**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

7      06-05-2024                      Heard learned counsel for the petitioner, the State as also the respondent nos. 6 and 7.

2. Number of adjournments have been made in this case and now it is high time that the file is consigned.

3. The petitioner has prayed for the following reliefs:

*(i) for issuance of appropriate writ(s)/direction(s) commanding the respondents to pay Rs. 20,00,000*



*(Twenty Lakh only) as fair compensation for acquiring 10 decimal i.e., about 2-kattha lands from the west portion of the petitioner's lands forcibly bearing Khata No 117. Kheshra No- 1106, from west portion of total area – 0.61 decimal, Thana- 473, situated at village- Bajidpur Saidat PS- Bidupur, Dist- Vaishali, bounded by brick-built road in the North, co-operative society and Surendra Bhagat and others in west Pramod Bhagat in east and Nagendra Bhagat in the south without publishing notice for acquisition of petitioner's land and without sending/serving notice to the petitioner for the acquisition of his land and without paying a single farthing as fair compensation to the petitioner for acquiring his land constructing the road.*



4. A counter affidavit on behalf of respondent nos. 2 to 5 has been filed and learned S.C.-25, Mr. Sajid Salim Khan has taken this Court to para 5 onwards to show that pursuant to the direction of this Court once again enquiry took place and the categorical statement has been made that the construction of PCC Road has not been made on the plot no. 1106 which belongs to the petitioner, rather it passes through Khesra No. 1098, 1099 and 1097 measuring 210 ft in length and 10 ft. in width. The paras-5 to 8 read as follows:

*"5. that no land of the petitioner from hi Khesra No.-1106 under Khata No. 117 area 61 dec. situated in Village-Bajitpur Saidat, Thana No.-473, P.5,- Bidupur, District- Vaishali has been acquired or used in course construction of the road in question;*

*6. that in view of the complaint made by the petitioner that his land measuring an area 10 dec. of Khesra No. 1106 has been used in course of construction of the road in question, a report as to the same was called for by*



*the BDO ,Bidupur from the Circle Officer, Bidupur;*

*7. that the Circle officer Bidupur submitted the report as to that to the BDO, Bidupur vide his Letter No.-148 dated 23.01.2024 stating therein that the road in question has been constructed in Khesra No.-1106 owned by the petitioner as per report of the Anchal Amin and trace map of the road;*

*8. that in compliance of the Letter No.-44 dated 10.01.2024 issued by District Legal Section, Vaishali the Anchal Amin, Bidupur went to the village Bajitpur Saidat with the Rajswa Karamchari demarcate the boundary of land Khesra No.-1106 owned by the petitioner. He measured the land in his presence and also of the villagers. After demarcation of RSP No.-1106, the Anchal Amin*



*found that the PCC road constructed in western side of the said Plot No.-1106 does not lie, does not situate in RSP No.-1106. Actually, the road in question passes through Khesra No.-1098, 1099 and 1097 measuring 210 ft. in length and 10 ft. in width. Building of Bahudhandhi Sahyog Samiti Co-operative society situate in some portion of Khesra No.-1097 and adjacent east of the said building the PCC road has been constructed.*

6. Learned counsel for the petitioner wanted this Court to take note of the supplementary affidavit filed on 5.1.2023 which talks about the construction of PCC Road under **"Mukhyamantri Gramin Gali-Nali Pakkikaran Nischay Yojana"** to support his case.

7. Learned counsel for the State submits that even in the said document, nowhere the plot no. 1106 has been incorporated. He further submits that on 26.2.2024, copy of the counter affidavit of the State was served upon the earlier counsel for the petitioner but there is no rejoinder on the part



of the petitioner. It is his submission that even otherwise, when the matter was taken up on 11.3.2024 wherein it was recorded that the counter affidavit has been filed, it was not the case of the petitioner that the copy has not been served, in that background, when there is no rebuttal, it will be assumed that no construction work has taken place on plot no. 1106.

8. This Court finds force in the submission of the State Counsel that the enquiry report as also the categorical statement of the Collector, Vaishali is on record that construction of PCC Road has taken place on different plots and not on plot no. 1106.

9. In that background, this Court is convinced that unnecessarily the petitioner has filed the writ petition on frivolous ground and as such no relief can be extended to him.

10. The writ petition stands dismissed.

**(Rajiv Roy, J)**

Ravi/-

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