

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7469 of 2016

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Madan Mohan Singh son of Late Ram Narayan Singh, resident of village Sotichak, P.s. Fatuha, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors.
2. The Principal Secretary, Rural Development Department, Government of Bihar, Patna.
3. The District Magistrate, Patna.
4. The District Land Acquisition Officer, Patna.
5. The Engineer in Chief, Rural Works Department, Government of Bihar, Patna.
6. The Executive Engineer, Rural Works Division, Punaichak, Patna.
7. The Assistant Engineer Rural Works Divison, Punaichak, Patna.
8. The Circle Officer, Fatuha, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sudhir Kumar, Advocate
For the Respondent/s : Mrs. Archana Minakshi, G.P. 6

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 08-04-2024 Heard Mr. Sudhir Kumar learned counsel for the
petitioner and Mrs. Archana Minakshi, G.P. 6.

*(i) for issuance of an
appropriate writ/writs, order/ orders,
direction/ directions respondents restraining
to the construct the approaching road from
Chandasi- Saidpur (Fatuha) Road to village
Sotichak under Mukhyamantri Gramin
Sadak Yojna (MGSY) over the Raiyati /
Khatiyani land of the petitioner appertaining
to Thana No. 43. Tauzi No. 651, Khata No.*



43 Plot No. 62 area 22 decimal without acquisition, consent or compensation to the petitioner;

(ii) For a direction upon the respondents to construct the said approaching road over the available Gairmazarua land.

(iii) For a direction upon the respondents to produce the lay out plan of the road in question as no raiyati land without consent of the landlord can be utilized for construction of the road under MGSY:

(iv) for a direction upon the respondents to acquire the land and pay the adequate compensation to the petitioner as per 2013 Act.

2. Finally an order was passed on 21.02.2024, a counter affidavit has been filed on behalf of the Executive Engineer, Rural Works Department (R.W.D.), Division, Patna and paragraphs 7 to 10 read as follows :-

7. That considering the aforesaid grievance



of the petitioner the Executive Engineer, Rural Works Department, Works Division, Patna vide his letter no.1921 dated 22.09.2016 had made request to the Circle Officer, Fatuah in the year 2016 itself to get the land as described in writ petition measured and submit a report thereof as soon as possible, so that the claim of the petitioner may be resolved.

8. That again keeping in view the urgency of the matter the Executive Engineer, Rural Works Department, Works Division, Patna vide his letter no.480 dated 19.03.2024 and letter no. 538 dated 01.04.2024 has made request to the Circle Officer, Fatuah to get the land in question measured and to make available a report so that it could be ascertained as to whether the raiyati land of the petitioner measuring 1000 sq.ft. Has been used in construction of the Saidpur Chandasi Road constructed under MMGSY Scheme or not?



9. That it is further submitted that the aforesaid requisitioned report has not been made available to the office of the present respondent till now.

10. That as soon the said report will be made available, the further and necessary action will be taken in accordance with law.

3. From the aforesaid facts, it is clear that the petitioner has been made to function as a pendulum hanging for last 8 years which reflects from the fact that the letter in question which has made part of the counter affidavit have been issued only after the order of this Court i.e. on 19.03.2024 and 01.04.2024.

4. This Court has the option to impose heavy cost upon the respondents for said action while allowing another adjournment for filing counter affidavit but it takes the different route and passes the following order :-

(i). the Circle Officer, Fatuha will be submitting a report within a period of three weeks from today to the Executive Engineer, Rural Works Department (R.W.D.), Works Division, Patna (Respondent No.6);



(ii) the respondent No.6 in turn shall submit its comment along with the report before the respondent No.5, the Engineer in Chief, Rural Works Department, Bihar, Patna within a further period of two weeks from the date, the Circle Officer, Fatuha submits its report;

(iii) the respondent No.5 shall pass necessary order after hearing all the parties and perusing the records within a maximum period of eight weeks from the date within the Executive Engineer submits reports along with the records of the Circle Officer.

5. Any delay will immediate lead to the contempt against the erring respondents. The petitioner has suffered for which a cost of Rs. 5,000/- has to be imposed upon the respondents which is to be paid by the Officer (respondent No.6) within a period of three weeks from today and receipt shall be filed in the Office thereafter.

6. The order has been passed in the presence of Archana Minakshi learned G.P.-6 who shall inform all the concerned respondents about the present order.



6. The writ petition stands disposed of with the
aforesaid observation.

(Rajiv Roy, J)

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