

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8856 of 2016

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Nagendra Singh Son of Late Sivanandan Singh resident of Mauza- Sakhnauli,
Tola Bharahapur, presently residing at Aishwarya residency, Road No.4, Near
Shiv Mandir, Aragora Katha More Road, Deepa Toli, Pundag, P.S.- Pundag,
Town, Ranchi, District- Ranchi, State of Jharkhand.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Collector, Saran at Chapra.
3. The Circle Officer, Dariyapur, Saran District.

... .. Respondent/s

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Appearance :

For the Petitioner/s : None.

For the Respondent/s : Mrs. Archana Meenakshi, GP-6

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 13-05-2024

I.A. No. 01 of 2024.

1. The aforesaid Interlocutory Application has been preferred for substituting the name of heirs of the sole petitioner who died on 30.09.2022 leaving behind the heirs as incorporated in paragraph 2.

2. There is no opposition form the other side.

3. I.A. No. 01 of 2024 is allowed.

4. Let the name of heirs of the sole petitioner is/are incorporated as petitioner no. 2 onwards.

CWJC No. 8856 of 2016.

5. No one appears on behalf of the petitioner although Mrs. Archana Meenakshi, learned GP-6 is present.



6. The present petition has been preferred for direction upon the respondent-Collector to grant compensation to the petitioner at the present circle rate of their Raiyati lands situated in the Village- Sakhnauli, Tola-Bharahapur, Village Panchayat Saran which has been used for purpose of constructing the Public Road under Pradhan Mantri Gramin Sadak Yojna (in short PMGSY), after taking measurement due of said Raiyati land of about 5 Katha 2 Dhur mare appertaining to the petitioners which has been taken without any Land Acquisition Process and without compensation.

7. A counter affidavit on behalf of respondent nos. 2 and 3 is on record and paragraphs 6 to 10 read as follows:

6. That present writ application as filed by the Petitioner is not fit to be considered at this stage because the same has not been filed with the clean hand. Some important facts has been concealed by the Petitioner which is clear from the following paragraphs herewith.

7. That after getting knowledge of the present writ application redress the grievances and of to the Petitioner if any, the Dy. Collector Land Reform, Sonapur and inspected the land in question and



looking the concerned revenue records, who vide his letter No. 433 dated 06.09.2019 reported all the facts along with relevant documents to the Officer- in-charge, District Legal Section, Saran Collectorate, Chapra.

8. That considering the report of the Dy. Collector Land Reform, Sonpur, it is quite evident that there is no existence of Puccca Road Constructed under P.M.C.S.Y. as stated by the Petitioner in the writ application rather there is a very old Brick Soling Bandh over Mahi river which is situated in the Plot southern side of the Plot No.-1086, 108, 1088 and northern side of Mahi river which was built to save the village and life of villagers of the area from flood long time ago.

9. That it relevant to mention here that the nature of the land in question was verified also by the Dy. Collector. Land Reform. Sonapur from the Zamabandi Register from which it reveals that in the Zamabandi no. 41 which is related with the Khata No.- 60 and deducted 68, by land and lagan then the was revenue authority in the light of the



letter No. 291 dated 14.07.1991 of the Special Land Acquisition Division of Gandack Project. This fact shows that land in question was acquired by the Gandack Project for the construction of the Bandh which is still in existence.

10. That considering all the facts mentioned in above noted paragraphs and report of the Dy. Collector, Land Reforms, Sonapur, Saran attached herewith, it is crystal clear that the writ application filed by the Petitioner is totally malafide and based on the wrong facts which is not fit to be considered. Therefore, the same is fit to be dismissed having no merit.”

8. The counter affidavit was filed on 20.11.2019 after service of copy to the petitioner, there is no reply to it.

9. The case is fit to be dismissed with cost, since no one has appeared, the same is dismissed for non-prosecution.

(Rajiv Roy, J)

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