

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9491 of 2020

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Manoj Kumar Verma S/o Ramashankar Prasad Verma R/o Vill.- Kahatarawa
P.S. Mathurapur, Dist. - Sitamarhi.

... .. Petitioner

Versus

1. The State of Bihar through Secretary home department Patna.
2. The District Magistrate Sheohar.
3. The District Development Commissioner, Sheohar district.
4. The Mukhiya Gram Panchayat Mathurapur, District - Sheohar.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Alok Kumar Jha
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

7 16-01-2024 Heard learned counsel for the petitioner and the State.

2. Present writ petition has been filed for a direction to the respondent authorities to stop the construction work of road on his personal land without acquiring the land and paying him compensation.

3. Counter affidavit has been filed on behalf of respondent no.2 and 3. It is stated that administrative approval of road in question was issued on 14.1.2022 by the Gram Panchayat Mukhiya Mathurapur, Kahatarva Block, Panchayat Sheohar. The petitioner was himself present in the meeting of Gram Sabha of Mathurapur Kahtarwa Gram Panchayat held on 21.01.2021 in which the resolution No.12 was passed for the



said road in question and the petitioner has also signed the meeting register at serial No.13. Measurement of proposed road was done in the presence of ADM, Sheohar alongwith Mukhiya and general public of Gram Panchayat Raj Mathurapur Kahtarwa and detail report was submitted by Anchal Amin. Out of the nine plots mentioned in this writ petition, plots No.3454 and 3468 is not the part of the said road. Petitioner's plots No.3464,3465, 3466, 1182,1177, 1164 and 1163 are part of the said road, which is clear is from Amin Report. No donor except the petitioner has any objection.

4. Learned counsel for the petitioner, by filing reply to the counter affidavit, submits that the petitioner never signed resolution dated 21.1.2021, particularly when he had already filed a writ petition on 15.12.2020 opposing the construction of the road. He has not given any oral consent. Moreover, no information had been given to the petitioner for the measurement of land in question.

5. Having regard to the nature of controversy, it is difficult for this Court to decide as to whether petitioner attended the Gram Panchayat Meeting and gave consent for construction of road and whether he signed the resolution. The same would require



detailed examination of evidence, which cannot be decided by this Court under writ jurisdiction.

6. Writ petition is accordingly disposed of with liberty to the petitioner to file proper suit before the civil court of competent jurisdiction.

(Prabhat Kumar Singh, J)

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