

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14088 of 2015

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Ramdayal Mahto S/o Late Gopi Mahto, Resident of village- Parsuram, P.S.-
Hathauri, District- Samastipur.

... .. Petitioner/s

Versus

1. The State Of Bihar, Principal Secretary, Department of Revenue and Land Reform, Patna, Bihar
2. The Collector cum District Magistrate, Samastipur, Bihar.
3. The Additional Collector, Samastipur, District- Samastipur.
4. D.C.L.R., Samastipur, District- Samastipur.
5. Circle Officer, Shivajinagar Circle, District- Samastipur.
6. Anil Kumar Mishra, Panchayat Sevak, Panchayat, Bandhar, P.S.- Hathauri, District- Samastipur.
7. Renu Devi, wife of Dayashankar Das, Mukhiya, Gram Panchayat, Bandhar, P.S.- Hathauri, District- Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Anuj Kumar, Adv.
For the Respondent/s : Mr.Kinkar Kumar, SC-28

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 05-09-2024 The present writ petition has been filed seeking the following reliefs:-

1.A."For issuance of a writ in the nature of Mandamus or any other appropriate writ/s, order/s, direction/s, for directing the respondent:-

(i) To stop the work of construction of road over the private land of the Petitioner appertaining to Khata No.1564, Khesra No. 4463 (new), Khesra No. 4464 (new) and Khesra No 4462 (new).

(ii). To remove the encroachment from the private land of the Petitioner appertaining to Khata No. 1564, Khesra



No. 4463 (new), Khesra No. 4464 (new) and Khesra No. 4462 (new) which is a raiyat land.

(iii) To abstain from encroaching private land of the Petitioner or other locals for the construction of road."

2. At the outset, the learned counsel for the respondents-State submits, by referring to paragraph No.4(c) of the counter affidavit filed in the present case, that the road has been constructed on Khesra No. 4455, which, as per *Khatian* is *Anabad Surb Sadharan Rasta*, hence the claim of the petitioner is unfounded.

3. The petitioner has not filed any rejoinder to the aforesaid counter affidavit, which goes to show that the road is being constructed over public land, i.e. Khesra No. 4455, which is not the private land of the petitioner, hence I do not find any merit in the present writ petition. Thus, the same stands dismissed.

(Mohit Kumar Shah, J)

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