

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8356 of 2023

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Badri Narayan Choudhary S/O Late Uttim Chaudhary, Resident of village-
Chakwa, P.S. Runnisaidpur, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Revenue and Land Reform, Bihar, Patna.
2. The District Magistrate, Sitamarhi.
3. The Deputy Collector Land Reform, Sitamarhi.
4. The Circle Officer, Runnisaidpur, District Sitamarhi.
5. The Block Development Officer, Runnisaidpur, District Sitamarhi.
6. The Mukhiya, Gram Panchayat Raj, Chakwa, District Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Hans Lal Kumar , Advocate
For the Respondent/s : Mr. Rishi Raj Sinha, SC-19

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 18-03-2024 Heard learned counsel for the petitioner and the State.

2. The petitioner has prayed for the following reliefs:

(i) for issuance of writ in the nature of mandamus commanding and directing the respondent authority to remove the public road which has been constructed on the private raiyati land of the petitioner appertaining to Khata No. 250 Plot No. 601 measuring an area 2 decimal;

(ii) for further direction to the Respondent



authority either to remove the public road from the land of the petitioner or to pay compensation for utilization of the said land;

(iii) for further direction to the Respondent authorities to hold enquiry for illegal construction of a public road on the garb of widening of the road without any acquisition and consent of the party or without making payment of compensation and after holding enquiry take appropriate action against the person concerned who have made construction of the public road;

(iv) and for any other relief/reliefs for which the petitioner is found to be entitled in the eye of law.

3. Learned counsel for the petitioner has straight away drawn attention of this Court to the document issued by the 'Anchal Amin', Runnisaipur to the Circle Officer, Sitamarhi admitting that 0.02 decimals of the petitioner's land has been used for those construction. As usual, in a writ petition filed on 19.6.2022 after service of copies upon the State on 18.5.2023, on call, prayer for adjournment for filing counter affidavit has



been made. It has to be noted that the same prayer was made on 23.11.2023, 8.1.2024 and 5.2.2024 which was granted by the coordinate bench.

4. On query, whether pursuant to the orders passed by the coordinate bench, letters were sent to the respondents or not, the State Counsel was unable to provide a single letter on it. As such, a cost of Rs.2000/- is imposed upon the office of the S.C.-19 to be paid to the learned counsel for the petitioner within a week.

5. From the conduct of the State Counsel, it is clear that the matter be disposed of with a direction to the respondent, District Magistrate, Sitamarhi to constitute a Committee, enquiry into the matter through the District Land Acquisition Officer, Sitamarhi and/or the DCLR, Sadar, Sitamarhi to come to a conclusion and act on the basis of the grievance of the petitioner that 0.02 decimals of his land has been taken for the road construction.

6. On the representation preferred by the petitioner within four weeks from today, the District Magistrate, Sitamarhi shall constitute a Committee within next two weeks who shall submit a report in next three weeks and entire exercise has to be completed within a period of four months and if the petitioner is



entitled to the compensation, the same has to be cleared within a period of further two months from the decision taken by the District Magistrate, Sitamarhi.

7. The writ petition stands disposed of.

(Rajiv Roy, J)

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