

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10013 of 2023

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Manoj Lal Nakphopha Son of Late Shyamjilal Nakphopha Resident of
Village/Mohalla- Purbi Tilha Dharamshala Sherwala Fatak Bahura Chaura,
Post- office- G.B. Road Gaya, P.S.- Vishnupad, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Tourism,
Govt. of Bihar, Patna.
2. The District Officer cum Collector, P.S. and District-Gaya.
3. The Sub- Divisional Officer, Sadar Gaya.
4. The Gaya Municipal Corporation, through its Town Commissioner, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. J.S. Arora, Senior Advocate
		Mr. Manoj Kumar, Advocate
For the Respondent/s	:	Mr. Anirban Kundu (SC- 24)

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 29-03-2024 Heard Mr. J.S. Arora, learned Senior Counsel for the

petitioner as also Mr. Ravindra Kumar Priyadarshi, learned

counsel for the State.

2. The present writ petition has been preferred for the
following reliefs:

*(i) for quashing the press communiqué as
published in Daily News Paper Bhaskar (Gaya
Edition), dated 09.02.2023 whereby it has been
informed to the Public at Large that upon the
Rayati land of the petitioner (detailed in paragraph
No. 1 the writ petition) an underpass and parking
facility would be constructed;*

(ii) for commanding the respondent



authorities not to interfere in petitioners possession on the said land and not to take forceful possession of the Rayati lands of the petitioner without taking recourse to the Land Acquisition Proceeding under the appropriate Act;

(iii) for any other appropriate relief(s) to which petitioner is found entitled either in the eye of law or in the facts and circumstances of the case.

3. Learned Senior Counsel submits that on his *raiya* land, the respondents intends to construct underpass as also parking facilities.

4. A counter affidavit of the respondent -Gaya Municipal Corporation is on record and paragraph-4 read as follows:-

“that the present writ application has been filed by way of anticipation, on the basis of press communiqué (Annexure-4 of the writ application) that his land may be acquired or will be utilized for the purpose of construction by the department of tourism in the interest of pilgrims visits at Gaya. In this regard at the outset it is stated and submitted that neither the answering respondent has published this news report nor this report has been published on the basis of document provided by the Gaya Municipal Corporation. Thus



it is the best person who is the authority of this newspaper (Gaya Bhaskar) who can disclose the fact regarding certain construction near 'Sita Kund situated by the side of river Falgu in Gaya.' ”

5. From the aforesaid fact, it is clear that on mere apprehension, the writ petitioner has rushed to the Court, as and when situation such arise, he has the liberty to take recourse to the remedy for which he is entitled too.

6. The writ petition for the present needs no direction and is accordingly disposed of.

(Rajiv Roy, J)

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