

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10904 of 2024

1. Banaras Prasad Singh, Son of Late Chhotu Mahto, Resident of Village-Maira, P.O.- Barith, P.S.- Katrisarai, District- Nalanda.
2. Dukhharan Prasad, Son of Late Brijnandan Prasad, Resident of Village-Maira, P.O.- Barith, P.S.- Katrisarai, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
3. The District Magistrate, Nalanda.
4. The Sub-Divisional Officer, Rajgir, District- Nalanda.
5. The Circle Officer, Katrisarai, District- Nalanda.
6. The Officer-in-Charge, Katraisarai, District- Nalanda.
7. The Executive Engineer, Rural works Department, Works Division- Rajgir, District- Nalanda.
8. The Assistant Engineer, Rural works Department, Works Division- Rajgir, District- Nalanda.
9. The Junior Engineer, Rural works Department, Works Division- Rajgir, District- Nalanda.
10. Akhilesh Prasad, Son of Late Chamari Mahto, Resident of Village- Maira, P.O.- Barith, P.S.- Katrisarai, District- Nalanda.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rajeev Kumar
For the Respondent/s	:	Mr. Rajeshwar Singh-Government Advocate 10 Mr. Jitendra Kumar- AC to GA-10

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 26-11-2024 1. Heard learned counsel for the petitioners and learned AC to GA-10 for the State.
2. The learned counsel for the petitioners submits that the instant writ application has been filed seeking a direction upon the respondent nos.5, 7, 9 and 10 to stop the



construction of road under Mukhyamantri Gram Sampark Yojna over *Raiyati* land of the petitioners without seeking consent of the petitioners.

3. The leaned counsel for the petitioners submits that a counter-affidavit has been filed on behalf of respondent nos.3 to 6. The learned counsel submits that a counter-affidavit on behalf of respondent nos.3 to 6 sworn by the Executive Engineer, Rural Works Department, Rajgir has been filed on 23.08.2024. It is next submitted that from perusal of Annexure- R/2 to the counter-affidavit, it would manifest that the same describes the *Raiyati* land of the petitioners in dispute.

4. It is further submitted that from perusal of Para-9 of the counter-affidavit, it would manifest that a specific plea has been taken that Assistant Engineer, Rural Works Department, Works Sub-Division, Katrisarai vide his Memo No.76 dated 31.07.2024 (Annexure- R/3) directed the concerned contractor to stop the work over the *Raiyati* land of the petitioners. It is further submitted that no doubt, the work has stopped, but then, the authorities have made certain construction over the *Raiyati* land which is in nature



of temporary soling of the land by soil. It is submitted that the said temporary construction has not been removed, on which the learned counsel appearing on behalf of the State submits that if what has been submitted by the petitioners is true, in that event, the temporary construction over the *Raiyati* land of the petitioners shall be removed within a period of ten days from today.

5. At this stage, the learned counsel for the petitioners submits that the petitioners are not averse to giving the land for the purposes of construction of road under Mukhyamantri Gram Sampark Yojna, but then, the issue is that the land must be acquired in terms of the L.A. Act, 2013 and compensation be granted in accordance with Law within a specified period of time. It is next submitted that action of the authorities in making temporary construction over the *Raiyati* land of the petitioners on road has deprived the petitioners of their crop.

6. The learned counsel appearing on behalf of the petitioners next submits that since a specific plea has been taken in the counter-affidavit that the construction of the work has stopped and the authorities will remove the



temporary construction, in that event, the writ application for the present is not being pressed and thus, seeks permission to withdraw the same.

7. Permission is accorded.

8. Accordingly, instant petition is dismissed as withdrawn.

(Satyavrat Verma, J)

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