

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3285 of 2019

In
Civil Writ Jurisdiction Case No.18602 of 2017

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Jogendra Kumar @ Yogendra Kumar Singh Son of Late Sidhnath Singh
Resident of Village - Mahadeopur, P.S. P.O. - Masaurhi, District - Patna. At
Present Resident of Q No. C/205, Police Colony, P.S.-Gardanibagh, P.O.-
Anishabad, District-Patan.

... .. Petitioner/s

Versus

1. The State of Bihar through Mr. Brijesh Mehrotra the Principal Secretary,
Department of Revenue and Land Reforms, Patna, Bihar.
2. Mr. Anand Kishore, the Divisional Commissioner, Patan Division, Patna.
3. Mr. Kumar ravi the District Magistrate, Patna.
4. Mr. Anshul Kumar the Sub Divisional Officer, Danapur, Patna.
5. Mr. Devendra Kumar , the Circle Officer, Danapur, Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Manoj Priyadarshi, Advocate
		Mr. Diwakar Tiwary, Advocate
For the Opposite Party/s :		Mr. Raj Kishore Roy, G.P.-18

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 23-02-2024 Heard Mr. Manoj Priyadarshi, learned Counsel for

the petitioner duly assisted by Mr. Diwakar Tiwary and Mr. Raj

Kishore Roy, learned G.P.-18.

2. The present contempt petition has been preferred
for compliance of the order dated 22.04.2019 passed in C.W.J.C.
No. 18602 of 2017 by which the District Magistrate, Patna was
directed to take a decision on the claim of the petitioner that on
his 2.9 decimal of land, road has been constructed and to make
payment, if such construction has been made.



3. A show cause on behalf of the District Magistrate, Patna is on record duly put on affidavit by the Circle Officer, Danapur in which an order has been passed on 27.04.2023 by which the Collector, Patna considering the fact that road has been constructed on the *raiya* land unofficially by the Rural Works Department, an order was passed for removal of the same from the land of the petitioner and accordingly, the same was removed on 09.05.2023.

4. Mr. Manoj Priyadarshi, learned Counsel for the petitioner submits that if the Rural Works Department constructed the road unauthorizedly in the year 2016, now seven years later, they cannot shrug off their responsibility without making any compensation.

5. Though there is force in the submission made by the learned Counsel for the petitioner, sitting in contempt, once the District Magistrate, Patna has taken decision and the road has been removed, no further direction can be issued.

6. However, the admitted fact remains that the respondent-Rural Works Department unauthorizedly took away 2.9 decimal of land and enjoyed the fruits for seven long years, if the petitioner makes a claim that has to be considered by an appropriate authority.



7. However, it would be appropriate that for the said grievance, the petitioner move before an appropriate authority/Writ Court.

8. So far as the M.J.C. No. 3285 of 2019 is concerned, the same is disposed of with the aforesaid observations.

(Rajiv Roy, J)

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