

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14243 of 2023

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Bijay Kumar Prasad Singh @ Bijay Kumar Pd. Singh Son of Ganesh Prasad Singh Resident of Village-Bishambharpur Nankar, Police Station-Majorganj, District-Sitamarhi at Present Resident of Ward No. 20, Thana Road, Bhabdepur, Police Station-Sitamarhi Town, District-Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Land and Revenue Department, Government of Bihar, Patna.
2. The Collector, Sitamarhi.
3. The Executive Engineer, Rural Development, Works Division, Sitamarhi
4. The Block Development Officer, Majorganj Block, District-Sitamarhi.
5. The Circle Officer, Majorganj Circle Office, District-Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Karandeep Kumar, Advocate
For the Respondent/s	:	Mr. Sajid Salim Khan (SC- 25)
		Mr. Wasim Ahmad Khan, AC to SC-25

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 28-03-2024 The petitioner has to knock the door of this Court only because his prayer/representation before the Collector, Sitamarhi as also the Circle Officer, Majorganj, Sitamarhi failed to cut any ice.

2. Heard the parties.

3. The petitioner claims to be the owner of a piece of land described in paragraph 1 of the writ petition. The land in question is Khata No. 87, Kheshra No. 215 total area 6.28 decimal and Khata No. 47, Kheshra No. 170 total area 96 decimal and Khata No. 87, Kheshra No. 171171 total area 4



Kattha and Kheshra No. 214 having an area of 38 decimal of land.

4. He claims that without his permission/consent, on his Raiyati land, the respondents started construction of road from Nankar School Angibhut Path to Paswan Tola under Mukhyamantri Gram Sampark Yojana. As his peaceful possession over the land in question was disturbed, he moved from pillar to post as stated above without any response. Left with no alternative, the writ petition.

5. On 11.01.2024, a co-ordinate Bench of this Court directed the State to file counter affidavit. However, today, on call, no such reply is on record, the same way when the respondents chose not to respond to the representation.

6. Mr. Wasim Ahmad Khan, learned AC to SC-25 provided the letter no. 1691 dated 18.01.2024 by which the respondents including the Collector, Sitamarhi were requested to take immediate steps for filing counter affidavit after going through the order dated 11.01.2024.

7. Firstly, a road is constructed on the Raiyati land without permission/consent and/or acquisition of the said land and/or making payment of compensation to the petitioner. The representations preferred before the respondents remains lying



on their tables. The writ petition is filed where the High Court directs the respondents to file counter affidavit. It hardly bothers them.

8. In the aforesaid background, it would be appropriate that a cost of Rs. 5,000/- is imposed upon the Collector, Sitamarhi which shall be paid by him to the District Legal Services Authority, Sitamarhi and the receipt whereof has to be submitted in the office of the Patna High Court through the Standing Counsel -25.

9. Instead of granting another adjournment, it would be appropriate that the necessary direction is issued.

10. The petitioner to prefer a fresh representation before the Collector, Sitamarhi within a period of four weeks from today. If such representation is filed by him, the Collector, Sitamarhi is duty bound to take the matter to its logical conclusion preferably within a period of three months from the date of the receipt of the representation.

11. The writ petition stands disposed of with the aforesaid observation.

(Rajiv Roy, J)

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