

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6637 of 2018

-
-
1. Dayanand Prasad S/o Late Chhotu Prasad, R/o Rucunpura, P.S.- Ekangar Sarai, District- Nalanda.
 2. Lalan Prasad, S/o Late Chhotu Prasad, R/o Rucunpura, P.S.- Ekangar Sarai, District- Nalanda.
 3. Bimal Prasad, S/o Late Raj Kumar Prasad, R/o Rucunpura, P.S.- Ekangar Sarai, District- Nalanda.
 4. Vinay Prasad @ Vinay Kumar, S/o Late Raj Kumar Prasad, R/o Rucunpura, P.S.- Ekangar Sarai, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Road Construction Department, Bihar, Patna.
2. The Collector, Nalanda at Biharsharif.
3. The Executive Engineer, Rural Works Department, Work Division, Hilsa, Nalanda.
4. The D.C.L.R., Hilsa, Nalanda.
5. The Circle Officer, Ekangarsarai, Nalanda.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Uday Prasad, Adv.
For the Respondent/s : Mr.M.K.Ambastha, SC-26

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 31-08-2024 1. The present writ petition has been filed seeking the following relief(s):-

“1. For issuance of an appropriate writ in the nature of Mandamus commanding and directing the respondents authorities for restraining the Respondent no. 3, from constructing road over the land bearing Khata. No. 205, Plot No. 361, Area 90 decimal, which was originally recorded in the Joint Name of Rambaran Das, Manjhu Das, and



Chhotu Das, subsequently partitioned between heirs of the recorded holders, as such the aforesaid land in question is the Khatiyani land of the petitioners but respondents authorities are constructing road over the land in question by encroaching land to the extent of about 198 ft long and 30 ft width under Pradhan Mantri Gramin Sarak Yojna, without acquiring the land in question under the Land Acquisition Act, and without giving notice to the petitioners.

ii) For directing the respondent authorities to pay the compensation amount of the aforesaid land after initiating the land acquisition process.

iii) For directing the respondents authorities to pay the compensation amount as the respondents have cut down about 60 trees standing over the land in question without giving prior information to the petitioners with regard to construction of the road under Pradhan Mantri Gramin Sarak Yojana and as such due to arbitrary action of the respondents, the writ petitioners have suffered loss to the tune of Rs. 12,00,000/- (Twelve Lacs).”

2. At the outset, the learned counsel for the petitioners seeks liberty on behalf of the petitioners to approach the District Magistrate, Nalanda at Bihar Sharif, for redressal of their aforesaid grievances. Liberty so sought is granted.

3. It is needless to state that in case appropriate



petition is filed by the petitioner, before the District Magistrate, Nalanda at Biharsharif, within a period of four weeks from today, the District Magistrate, Nalanda at Biharsharif, shall consider the same and pass a reasoned and a speaking order, in accordance with law, within a period of six weeks, thereafter.

4. The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

sonal/-

U			
---	--	--	--

