

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16638 of 2022

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Jitendra Kumar Son of Sadan Sharma @ Sadan Singh, Resident of Village and Post- Sadaweh, P.S.- Dulhin Bazar, District- Patna, PIN- 801102.

... .. Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Old Secretariat, Patna- 800015.
2. The Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Old Secretariat, Patna- 800015.
3. The Director, Revenue and Land Reforms Department, Land Acquisition Nideshalay, Govt. of Bihar, Old Secretariat, Patna- 800015.
4. The Secretary, Rural Works Department, Govt of Bihar, 5th Floor, Vishveshwarya Bhawan, Baily Road, Patna- 800015.
5. The Chief Engineer, Rural Works Department, Govt of Bihar, 5th Floor, Vishveshwarya Bhawan, Baily Road, Patna- 800015.
6. The Engineer in Chief, Rural Works Department, Govt of Bihar, 5th Floor, Vishveshwarya Bhawan, Baily Road, Patna- 800015.
7. The Joint Director, Revenue and Land Reforms Department, Land Acquisition Nideshalay, Govt. of Bihar, Old Secretariat, Patna- 800015.
8. The Assistant Director, Revenue and Land Reforms Department, Land Acquisition Nideshalay, Govt. of Bihar, Old Secretariat, Patna- 800015.
9. The District Collector, District Collectorate Office, Gandhi Maidan, Patna, District- Patna- 800004.
10. The District Land Acquisition Officer, District Collectorate Office, Patna, District- Patna- 800004.
11. The Executive Engineer, Rural Works Department, District Office, Work Division- Patna, District- Patna.
12. The Superintending Engineer, Rural Works Department, District Office, Patna, Work Division- Patna, District- Patna.
13. The Circle Officer, Circle- Dulhin Bazar, District- Patna.
14. The Block Development Officer, Block- Dulhin Bazar, District- Patna.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Jayram Sharma, Advocate
For the Respondent/s : Mr. Rishi Raj Sinha, SC- 19

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-08-2024

Heard Mr. Jayram Sharma, the learned counsel for



the petitioner and Mr. Rishi Raj Sinha, the learned standing counsel for the State of Bihar.

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

(A) For direction to the respondent authorities to grant compensation to the petitioner by which land of the petitioner bearing Mauza- Sadaweh, Anchal - Dulhin Bazar, Thana- Dulhin Bazar, District- Patna, Thana No. 298, Khata No. 215, Khesra No. 1481, Area- 25 decimal has been acquired, digged out and filling the soil to damaging the tenancy land, encroached in construction of the road in the year 1968 without issuing notice and initiating proceeding to acquire the said land and no compensation has been granted to construct the road.

(B) To grant any other relief / reliefs for which the petitioner is entitled for.

3. Learned counsel for the petitioner submits that grand fathers of the petitioner namely, Late Mundar Singh and Late Mahendar Singh, who were full brothers, purchased the land in question vide sale deed dated 11.06.1965 bearing Mauza- Sadaweh, Thana No. 298, Thana and Anchal- Dulhin Bazar, District- Patna, total area of 3-71.5 (three acre, seventy-one point five decimal) land from:

(1) Late Nathuni Singh son of Late Amar Singh and,

(2) Smt. Ardasho Devi wife of Late Nathuni Singh, including Khata No. 215, Khesra No. 1481 and Area - 25 decimal.



4. Learned counsel for the petitioner submits that after the family partition, the Rayati land bearing Mauza- Sadaweh, Thana No. 298, Thana and Anchal- Dulhin Bazar, District- Patna, Khata No. 215, Khesra No. 1481, Area- 25 decimal has come in the share of the father of the petitioner namely, Sadan Singh @ Sadan Sharma and the name of the father of the petitioner has also been recorded in the revenue record.

5. Learned counsel for the petitioner submits that one scheme had been passed for construction of road from Dulhin Bazar to Rani Talab *via* different villages of the area.

6. Learned counsel for the petitioner submits that road was constructed in the year 1968 from Dulhin Bazar to Rani Talab in the District of Patna and Rayati land of the petitioner was acquired and damaged without issuing of notice and providing compensation to the father of the petitioner, which is bad in the eyes of law.

7. It is the case of the petitioner that the road was constructed in the year 1968 and no consent was taken from him. It appears from the pleadings that that there is no material on record, which suggests that when the road was getting constructed in the year 1968, the petitioner or his family members had even raised any objection. There is also no



material on record, which suggests that the petitioner raised any grievance against laying construction of the road.

8. The fact that the petitioner maintained silence, when the road was getting constructed in the year 1968 and did not raise any grievance for more than fifty-four years, indicates that the petitioner had agreed to construction / laying of the road more than fifty-four years after construction / laying of the village road.

9. No relief can be granted as has been sought in the writ petition.

10. Accordingly, the writ petition stands dismissed.

(Rajesh Kumar Verma, J)

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