

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16743 of 2024

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Bhuneshwar Pandey S/O Late Hoshila Pandey R/O Village - Patkhauli, Ward No. 12, Anchal - Gaunaha, P.S. - Gaunaha, District - West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Rural Works Department, Government of Bihar, Patna.
2. The Chief Engineer, Rural Works Department, Patna
3. The District Magistrate cum Collector, West Champaran at Bettiah
4. The Sub Divisional Officer, Narkatiyaganj, West Champaran
5. The Superintending Engineer, Rural Works Department, Bettiah, West Champaran
6. The Executive Engineer, Rural Works Department, Narkatiyaganj, West Champaran.
7. The Junior Engineer, Narkatiyaganj, West Champaran
8. The Block Development Officer, Narkatiyaganj, West Champaran
9. The Circle Officer, Narkatiyaganj, District - West Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey
For the Respondent/s : Mr.Government Pleader (4)

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT

Date : 29-10-2024

In the instant petition, petitioner has prayed for the following relief (s):-

(i) For issuance of a writ in the nature of Mandamus or any other appropriate writ/writs, order/orders and direction for restraining the Respondent Authorities from constructing public road on private land of the petitioner bearing Khata No. 102, Plot No. 7, measuring 0-3-12, Mauza Kundilpur, Block Narkatiyaganj, District West Champaran against which Jamabandi No. 699 is running in the name of



petitioner, but without proper acquisition of the petitioner's land and without any authority of law, the respondents are about to construct pucca road inasmuch as the soil has been filled on the land and some of the raw material have been kept to construct the road.

(ii) Also for restraining the Respondents from making any work in order to construct the road over petitioner's land bearing Khata No. 102, Plot No. 7, measuring 0-3-12, Mauza Kundilpur, Block Narkatiyaganj, District West Champaran, during pendency and till final adjudication of the case.

(iii) For issuance of any writ/writs, order/orders, direction/directions as your Lordships may deem fit and proper in the facts and circumstances of the case.

2. Learned counsel for the petitioner submits that petitioner is bona fide owner of the land pertaining to Khata No. 102, Plot No.7, measuring, Mauza Kundilpur, Block Narkatiyaganj, District West Champaran. Learned counsel submits that without proper acquisition of petitioner's land, the construction of pucca road is going to be done upon the petitioner's land. Petitioner has represented his grievance before the concerned authority as mentioned in P-2 series and the grievance has not been redressed by any of the authorities concerned.

3. Learned counsel for the State submits that petitioner has very vaguely represented his grievance before several authorities



without any basis. Petitioner has not produced any piece of paper passed by any authority for the construction of pucca road upon the petitioner's land.

4. In the light of aforesaid facts and circumstances of the case, present writ petition stands disposed of with liberty to the petitioner to represent his grievance before District Magistrate-cum-Collector, West Champaran that his land should not be acquired without following proper procedure of acquisition. If petitioner submits his representation before the District Magistrate-cum-Collector, West Champaran within four weeks from the date of receipt of this order, the competent authority is directed to hear the grievance of the petitioner and pass appropriate order expeditiously, as per law.

5. Without deciding the representation of the petitioner, no pucca road would be constructed on petitioner's land in question.

(Alok Kumar Pandey, J)

vashudha/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.10.2024
Transmission Date	NA

