

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1907 of 2023

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Mahendra Sah Son of Late Ramswrup Sah, Resident of Ward No. 8, Village-
Ramaul, P.S.- Hathauri, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Revenue Department Patna, Bihar.
2. The Principal Secretary, Panchayati Raj Department Patna, Bihar.
3. The District Magistrate, Samastipur.
4. The Sub Divisional Officer, Rosera, Samastipur.
5. The Circle Officer, Shivajinagar, Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr. Ghanshyam Choudhary, Advocate
For the State	:	Md. Khurshid Alam, AAG-12
		Ms. Nutan Sahay, AC to AAG-12

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 02-01-2024

1. Heard learned counsels for the parties.

2. This writ application has been filed for issuance of a direction upon the Circle Officer, Shivajinagar, Samastipur (Respondent No. 5) to remove the road which has been constructed upon the private land of the petitioner without issuance of any notice or payment of compensation.

3. It is submitted by learned counsel for the petitioner that the *raiya* land of the petitioner situated in Mauza- Ramaul, Thana- 28, Khesra- 2235, Khata- 274, Gosai Pokhar Ramaul, Anchal- Shivajinagar, District- Samastipur, has been encroached by the State respondents for construction of road, without any



notice or payment of compensation.

4. In this case, a counter-affidavit has been filed on behalf of Respondent Nos. 3 to 5. It is stated therein that pursuant to the directions passed by this Hon'ble Court, the land in question was demarcated in presence of the parties on 27.10.2023 and a report had been submitted wherein it has been stated that the road in question was constructed on the village road and the same was constructed with consent of the parties and at the time of construction, no objection was raised by the petitioner.

5. Perusal of the records does not show that any objection was raised by the petitioner at the time of construction of the road. The fact that the petitioner maintained silence when the road was being constructed and did not raise any grievance indicates that he had agreed to construction of the road. After years of construction of the village road, no relief can be granted, as has been sought in the present writ application.

6. This writ application is accordingly dismissed with liberty to the petitioner to move before the competent authority, which may be available to him, in accordance with law.

(Prabhat Kumar Singh, J)

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