

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.429 of 2024

1. Sanjay Prasad Jayaswal Son of Jagdish Jayswal Resident of Alamnagar, P.S. Alamnagar, District-Madhepura.
2. Arvind Kumar Son of Sri Hari Prasad Resident of Alamnagar, P.S. Alamnagar, District-Madhepura.
3. Arun Bhagat Son of Sri Basudeo Bhagat, Resident of Village-Gangapur, Sonamukhi, P.S. Kishanpur, Ratwara, District-Madhepura.
4. Shankar Das Son of Late Kokai Das Resident of Alamnagar, P.S. Alamnagar, District-Madhepura.
5. Dinesh Kumar Bhagat Son of Sri Rameshwar Bhagat Resident of Village-Gangapur, P.S. Ratwara, District-Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, Road Construction Department, Government of Bihar, Patna.
3. The Additional Chief Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
4. The District Magistrate, Madhepura, District Madhepura.
5. The District Land Acquisition Officer, Madhepura.
6. The Executive Engineer, Road Construction Department, Road Division, Madhepura.
7. The Additional Collector, Land Reforms, Udakishunganj, District-Madhepura.
8. The Sub Divisional Officer, Udakishunganj, District-Madhepura.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate
For the Respondent/s : Mr. Government Advocate (13)

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 09-05-2024

Heard the parties.

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

(i) for quashing of the Part Notification no. 118 whereby and whereunder the Raiyati Land of the petitioners situated in Mauja Alamnagar, P S and Anchal Alamnagar, District Madhepura having



Khata No. 1876 Plot No. 2357 and 2358 have been declared for acquiring the same for widening the Karama Alamnagar Road situated in Mauja Alamnagar, District Madhepura without obtaining any consent from the petitioners;

(ii) for grant of stay of further construction of the Karama Alamnagar Road widening construction work till disposal of the writ application.

3. Learned counsel for the petitioners submit that they are not against the acquisition but what the respondents are doing is to acquiring only one side of the area completely ignoring the other side for which they had also preferred petition which was not considered.

4. A counter affidavit on behalf of the respondent nos. 4, 5 and 8 is on record and learned State Counsel took this Court to paragraph 11 to 14 which read as follows:

“(11) That the averments made in Para 8 of the writ application are wrong and false. It is submitted that Karama Alamnagar Road is a busy road and due to heavy rush of public and vehicles there is always JAM on the road; So the government has decided for widening the said road in the in present of public at large and on the basis of project for widening the road the Declaration for acquiring the land was



published u/s 19(1) of the Land Acquisition Act dated 17.07.2023 and accordingly, the District Gazette was published on 19.07.2023. It is also Submitted that these respondents never in Arbitrary and malafide manner have taken 30 feet land for widening the road.

(12) That, So far assertion made in Para 9 of writ application is concerned it is submitted that, the petitioners along with other persons had given a petition to the M.L.A. Alamnagar Constituency and he forwarded the said petition to the District Magistrate, Madhepura for inquiry and sympathetically take action according to law on 14.10.2023.

(13) That the District Magistrate on the margin of said petition (Annexure-C) sent for reply to executive Engineer PWD. The District Land Acquisition Officer, Madhepura sent the said petition to Executive Engineer, PWD, Madhepura for reply and submit report.

(14) That in this connection, it is most humbly Submitted that a report was already submitted by Committee consisting three members, The Sub-Divisional Officer, Udakishunganj, District land Acquisition Officer, Madhepura and The Executive Engineer, PWD Madhepura through letter



no. 3113 dated 11.07.2023 by which it is stated that there is no need to correct map/alignment of the acquiring land.”

5. From the aforesaid facts, it is clear that the District Magistrate, Madhepura considered the representation/petition, constituted a Committee headed by the Sub-Divisional Officer, Udakishunganj and comprising Land Acquisition Officer, Madhepura and Executive Engineer, PWD, Madhepura as its member, they have jointly submitted before that no relook is/are needed in this matter.

6. The said report vide letter no. 3113 dated 11.07.2023 issued by the Sub-Divisional Officer, Udakishunganj is on record vide Annexure- R/D to the counter affidavit.

7. In that background, when the representation of the petitioners were considered by the respondents and they have come to the conclusion that the process initiated is/are fully justified, nothing remains.

8. The writ petition stands dismissed.

(Rajiv Roy, J)

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