

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23474 of 2018

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Mukesh Kumar Singh Son of- Prahlad Prasad Singh Resident of Village-
Sahmura, Police Station- Sonbarsha, District-Saharsa.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The Director Land Acquisition, Bihar, Patna.
3. The Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna.
4. The Director, Mukhya Mantri Saat Nishchay, Government of Bihar, Patna.
5. The Collector, Saharsa
6. The Mukhya Mantri Gramin Gali-Nali Pakkikarn Nishchay Yojna, Block- Sonbarsha, District- Saharsa.
7. The Panchayati Raj Officer, District- Saharsa.
8. The Block Development Officer, Sonbarsha, Saharsa.
9. The Circle Officer, Sonbarsha, District- Saharsa.
10. The Panchayat Secretary, Sahpur, Sahmaura, P.S. Sonbarsa, District- Saharsa.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rabindra Kumar Priyadarshi, Advocate
		Mr. Mohan Kumar Tiwari, Advocate
For the Respondent/s	:	Mr. Sajid Salim Khan- SC-25

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 17-11-2025 Heard Mr. Rabindra Kumar Priyadarshi, learned
counsel for the petitioner and the State.

2. The present petition has been preferred for the
following relief(s):

*“for order/orders, direction/directions
commanding the Respondent Authorities to vacate
the Encroachment made by them in connection*



with construction of Mukhya Mantri Gramin Gali-Nali Pakkikarn Nishchya Yojna in Ward No. 13 of Sahpur Sahmoura Panchayat within the District of Saharsa. The further prayer of the petitioner to uproot the P.C.C. Road constructed on the Rayti/Private land of the petitioner over Khata No. 134, Khesra No. 138 in the village Sahmaura which has been constructed from the di of Krishnadeo Singh up to residential house of Pankaj Singh. It is further prayed that the Respondent may awarded suitable punishment and award cost against them for their wrong and illegal act and atrocities committed upon the petitioner.”

3. Learned counsel for the petitioner has straightaway taken this Court to the counter-affidavit filed on behalf of the respondent nos. 5, 7, 8 and 9 duly signed by the Block Development Officer, Sonbarsa, Saharsa that specific reference to paragraph nos. 5 and 6 which read as follows:

“5. That in this connection it is stated that according to report dated 07.12.2019 of Ward Member and Mukhiya, Gram Panchyat, Shahpur, there was Kachchi Gali/Nikasi Rasta From PCC



road to Bathan of Pankaj Singh in Ward No. 13 village Sahmaura and the same was/is being used by the residential persons because there was/is no any Gali/Nikasi rasta to the person to come on main road. The said Nikasi Rasta was came in existence from the portion of Plot No. 138 and plot no. 139 and remained in use in which portion of plot No. 138 was left by the ancestors of the petitioner and Pankaj Singh for common use of the father of the petitioner and father of Pankaj Singh and also for neighbouring persons. Work from Dih of Krishnadeo Singh to the house of Pankaj Singh for earth, soling and PCC rasta over common land of villagers was sanctioned under Mukhya Mantri Gramin Gali Nali Pakkikaran Nishchaya Yojana in ward no. 13 of Sahpur Sahmoura Panchyat. The earth filling and soling was done, the petitioner not raised objection and also not raised objection during PCC work over rasta. Renovation of work over Kachchi Gali/Nikasi Rasta under the aforesaid Yojana has been done. Details of facts have been mentioned in said report dated



7.12.2019.

6. That the BDO, Sonbarsha received measurement report dated 24.8.2021 of Anchal Amin from which it appears that the aforesaid rasta i.e. from Dih of Krishnadeo Singh to the house Pankaj Singh there is portion of of several Plot Nos. 138, 137, 139, 140, 138 137, 139, 140, 218, 219, 217. Other landholders of village/Tola not raised any objection against their land. The aim and object of Mukhya Mantri Gramin Gali-Nali Pakkikaran Nishchaya Yojana is to Pakkikaran of Galiyon-Naliyon for cleanliness and smooth coming and going of the persons.”

4. He submits that when the respondents themselves have accepted that some of the plots of the petitioner has been taken for the said purpose, it is his instruction that no consent was taken and he must be compensated.

5. Learned State counsel submits that other villagers plot have also been taken and since they have no objection, the construction took place.

6. A claim has been put forward, the reply has come, the respondents have accepted the claim of the petitioner, in that



background, the Collector, Saharsa (respondent no. 5) will have to look into the matter and after hearing all the parties including the petitioner/State-respondents, will have to pass a reasoned order/will have to take a decision as the claim of the petitioner is that:

“(i) his land has been taken;

(ii) construction has been made without his consent.”

7. Learned counsel for the petitioner submits that he shall be approaching the concerned respondent, Collector, Saharsa in next four weeks. If such representation/petition with all the supporting document is/are preferred in next four weeks, the Collector, Saharsa is duty bound to take the matter to its logical conclusion at an earliest.

8. The writ petition stands disposed of with the aforesaid observation.

(Rajiv Roy, J)

Adnan/-

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