

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16137 of 2017

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Doman Ram Son of Budhan Ram, Resident of Village- Gopalpir, P.O.-
Gopalpir, P.S.- Moro, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The District Magistrate, Darbhanga, District- Darbhanga.
3. The District Land Acquisition Officer, Darbhanga.
4. The Circle Officer, Hanuman Nagar, District- Darbhanga.
5. The Panchayat Secretary, Gram Panchayat Raj, Godaipatti, Block- Hanuman Nagar, District- Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Kumar Manglam, Advocate
For the Respondent/s : Mr. Sajid Salim Khan - Sc-25

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 05-05-2025 Heard Mr. Shashi Bhushan Kumar Manglam, learned

counsel for the petitioner and Mr. Sajid Salim Khan, learned

counsel for the State.

2. The present writ petition has been filed for seeking

following relief(s):

*“(I) For issuance of an appropriate writ
in the nature of MANDAMUS, commanding and
directing the Respondent Authorities for payment of
compensation with interest on delayed payment to
the petitioner for part of land of Khata No.04, Plot
No.71(old) /76 (new), situated in Mauza-Gopalpur;
Thana No.165 and Gram Panchayat Raj, Godaipatti
which has been illegally used by the Respondents for
construction of a Road from the house of Bipat Ram
to the house of Chaudhary Ram without acquisition*



of the petitioner's land or even without his consent.

For a declaration that if the land of the petitioner was the purchased land from the recorded tenant Mostt. Chandra Kala Devi wife of Late Suresh Prasad Mishra, the Respondents have no right to construct the road in the petitioner's land even for public purposes without his consent and without acquisition of the land after payment of compensation to the petitioner.

(III) For issuance of any other writ/writs, order/ orders, direction /directions for which the writ petitioner would be found entitled under the facts and circumstances of the case.”

3. The grievance of the petitioner is that without is consent and/or any suitable compensation, a road has been constructed on his Raiyati land.

4. The counter affidavit of respondent nos. 2 to 4 accept that the road has been constructed but the stand is that it was earlier used as kaccha road and oral consent was there.

5. Though, the counter affidavit was filed in the year 2023 and there is no reply, Mr. Manglam submits that the petitioner resides outside Bihar and had no knowledge about all these developments, he is ill and that prevented him from filing reply to the counter affidavit. It is his submission that petitioner may be allowed to approach the District Magistrate, Darbhanga, with two fold prayers:

(i) either to remove the construction made and/or,



(ii) to compensate him as his financial condition is not such that he can give oral consent for a common rasta on his Raiyati land.

6. The State submits that if such representation is preferred, the same shall be taken to its logical turn.

7. In view of the fair submissions, it would be appropriate that the petitioner approaches the District Magistrate, Darbhanga, (respondent no.2) in four weeks from today with all the valid document, either himself or through his family members/representative authorized by him to satisfy him/her.

8. Needless to say that if such representation is filed, the same shall be taken to its logical conclusion and the benefits, if any, arises out of the order, the same shall also be cleared.

9. The entire exercise must be completed in six months from the date, the representation is filed.

10. The writ petition stands disposed of.

(Rajiv Roy, J)

anand/-

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