

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14608 of 2018

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Ram Jhulan Chaudhary son of Late Rameshwar Chaudhary Resident of
Village - Raghapur, P.S. - Bibhutipur, District - Samastipur.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The Collector, Samastipur.
3. The Sub-Divisional Officer, Rosera, District - Samastipur.
4. The Circle Officer, Bibhutipur Circle, District - Samastipur.
5. The Executive Engineer, Rural Works Department, Dalsingsarai, District - Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Abhay Shankar Singh, Advocate
		Mr. Abhay Shankar Singh, Advocate
For the Respondent/s	:	Mr. Dhurjati Kumar Prasad, GP-14

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 01-12-2025 Heard Mr. Abhay Shankar Singh, learned counsel for
the petitioner and Mr. Dhurjati Kumar Prasad, learned GP-14.

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

*“A) For issuance of a writ in the nature of
mandamus directing the respondents not to construct
road over the private 'raiya' land of the petitioner
without any acquisition proceeding to acquire the
same and further restraining the respondents from
disturbance in peaceful enjoyment of their private
ancestral khatiyani land detailed below, in which soil*



cutting has been done by the road construction agency and the standing crop of Jimikand (oal) was damaged causing loss of Rs.40,000/- to the petitioner.

Detail of Lands:

*i. Mauza- Raghobpur Circle Bibhutipur,
District-Samastipur*

*Khata No. 182 Khesra No.873 (old) Area
11 Decimal*

*ii. Mauza- Khas Tabhka Circle-
Bibhutipur, District-Samastipur*

*Khata No.1124 Khesra No.1912 (old) Area
64 Decimal*

B. For a consequential writ directing the respondents to construct the road in the middle of public road over plot no.870 in mauza Raghobpur and over plot no. 210 in mauza Bariarpur, Circle-Bibhutipur, District-Samastipur respectively (which is the land of roads shown in map), after leaving equal space on both sides so as to ensure appropriate space for future widening and parking etc.

C. For any other relief/reliefs to which the



petitioner is found entitled under the facts and circumstances of the present case.”

3. The details of the land is/are is already incorporated in the prayer portion which is under Mauja-Bariarpur, Circle Bibhutipur in the District of Samastipur.

4. The petitioner alleged in the writ petition that with the help of local administration, for the construction of Kharanja road, they damaged the crops of the petitioner with the help of JCB machine and also threatened the petitioner/workers of dire consequences.

5. He immediately preferred petition before the Station Head Officer, Bibhutipur (Annexure-1 to the petition). Subsequently, he made representation before all the authorities/revenue Officials whereafter, on the direction of the Circle Officer, Bibhutipur, on 31.05.2018, the ‘Amin’ after inspecting the land came to the conclusion that the crops have been damaged. He accordingly submitted the report on 31.05.2018 (Annexure-5 series).

6. As no further development took place, the petitioner was forced to prefer the writ petition.

7. Affidavits have come, the last one by the Executive Engineer, Rural Works Department, Dalsingsarai (respondent no. 5) who has annexed another report of the Circle Officer,



Bibhutipur no. 356 dated 04.02.2025 to show that presently there is no ditch and further, the construction has been made on Khesra Nos. 870 (Mauza-Raghopur) and 210 (Mauza-Bariyarpur,

8. Learned counsel for the petitioner submits that it is a false report and seven years later, they cannot claim that the original report of 31.05.2018 is wrong/incorrect inasmuch as with the passage of time and as the petitioner is a farmer, will be using the land, growing crops and cannot keep the land in damaged condition for want of compensation.

9. In the writ petition, he submitted that crops worth Rs. 40,000/- was damaged. There is no individual evaluation to that. However, the State cannot ignore the fact that there was a report dated 31.05.2018 on which, no step was taken.

10. The petitioner is also not claiming that the Kharanja road has been made on his land rather the claim is that in the process of making construction, the JCB machine damaged the crops despite his protest. He immediately brought this fact to the notice of all concern without any response as would manifest from the different annexures attached with the writ petition.

11. On the last occasion, a Coordinate Bench on 13.11.2024 wanted the State to answer what steps they took on the Anchal Amin's report. In response, though they admit that the said report was submitted, presently, there is no ditch.



12. Having heard the parties, in the opinion of the Court, the highhandedness attitude of the mighty respondent-State cannot be allowed. Development of a place cannot be done at the cost of loss to an individual much less the petitioner. To benefit the villagers, a Kharanja road was constructed but in the process, in an illegal manner, the respondents damaged the nearby crops. The petition of the petitioner as also the report of their own Revenue Official , in this case, the Anchal Amin's report dated 31.05.2018 was/were ignored.

13. Seven years have lapsed, the petitioner is fighting for the rightful due. In the present case, as no reply was forthcoming, the Coordinate Bench imposed cost of Rs. 10,000/- for not filing supplementary counter-affidavit in time, which the respondents promptly deposited. However, they are not ready to pay the meager amount of compensation to the petitioner and by filing the present affidavit, the statement is that presently, there is no ditch.

14. As at that time, though the petitioner claim was of Rs. 40,000/- as compensation, it was never assessed pursuant to the Anchal Amin's report, this Court is of the opinion that, he is definitely entitled to **Rs. 25,000/- as compensation amount** from the office of the **respondent no. 5, the Executive Engineer, Rural Works Department, Dalsingsarai, Samastipur.**



15. The same has to be handed over to the petitioner by way of Demand Draft/Cheque within a period of four weeks from today. The respondent no. 5 is free to realize the amount from the erring officials/agency which led to the damage in accordance with law.

16. The payment has to be made by 15th of January, 2026 failing which the petitioner shall be entitled to 9% interest from 16.01.2026 till the payment is made. If the payment is not made by 31st of March, 2026, the petitioner will be entitled to an additional cost of Rs. 10,000/- (beside 9% interest) effective 01.04.2026.

17. With the aforesaid observation, the writ petition stands disposed of.

(Rajiv Roy, J)

Adnan/-

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