

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2780 of 2016

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1. Vidyanand Gupta son of Late Laxmi Gupta,
 2. Wasi Ahmed, son of Late Md. Ashique Both resident of village- Shankarpur Kansi, P.O.- Lal Sahpur, P.S.- Simri, District- Darbhanga

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. Secretary, Water Resources Department, Government of Bihar, Patna
3. Secretary, Road Construction Department, Government of Bihar, Patna
4. The District Magistrate, Darbhanga
5. Executive Engineer, Road Construction Department, Darbhanga
6. Sub-Divisional Officer, Sadar, Darbhanga

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Nalin Vilochan Tiwary, Advocate Mr. Rajesh Kumar Mishra, Advocate Mr. Basant Kumar, Advocate
For the Respondent/s	:	Mr. Ajay Kr. Rastogi (AAG-10)

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 15-07-2025 Heard the parties.

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

“for issuance of appropriate writ, rule, direction commanding upon the respondent authorities to measure the land of the water wage canal with embankment and thereafter release the private lands of the petitioners taken / included in the construction of road and compensate suitably for the loss incurred due to earth filling and



digging from the lands of the petitioners apart from the losses due to the felling of standing trees.

And further for direction upon the authorities to initiate a proper proceeding in case the land has to be acquired by the government in construction of the road as contemplated in the Land Acquisition Act.”

3. It is the case of the petitioners that for the construction of State Highway between Shobhan at NH-57 and Ekami to connect Samastipur-Darbhanga Highway acquisition took place. The land of the petitioners which had age old trees were uprooted without any consent and/or compensation. As the representation before the respondents was not taken note of, the writ petition.

4. The counter-affidavit of the State-respondents is/are on record, according to which, consent from concerned persons were taken. Upon query of the Court whether the list of concerned persons has been brought on record or the details is/are available, there is no answer from the learned State counsel.

5. *Plants/trees/greenery* are the lifeline of the mankind and it is surprising that the State-respondents never



realize that either during the widening of the road or construction of the new highway, efforts should be taken to protect the trees and if uprooted, should take steps for planting saplings along the extended/widened road. The result is that the entire stretch where the widening/construction of roads takes place, the area becomes barren. Beside raising temperatures in the area, it also snatches the home of thousands of birds. The petitioners claim to be having trees with though uprooted not compensated.

6. There is a claim by the petitioners, the denial is vague and in that background, the respondents are duty bound to look into the matter and decide

7. It is the case of the petitioners that earlier they moved before the *Collector, Darbhanga* (respondent no. 4) as also the *Executive Engineer, Road Construction Department, Darbhanga* (respondent no. 5) by preferring representations on 23.10.2015 but they never got any response and as such, the writ petition.

8. However with the direction of the Court, they shall be approaching the Collector, Darbhanga afresh in the next four weeks.

9. If the petitioners approaches the Collector,



Darbhanga (respondent no. 4) in next four weeks alongwith all the relevant documents, he/she shall be putting the concerned authorities/Officials including the Executive Engineer, Road Construction Department, Darbhanga Division (respondent no. 5) on notice and thereafter, shall duty bound to take the matter to its logical conclusion by 31st of December, 2025.

10. Needless to add, if the Collector, Darbhanga comes to the conclusion that the claim of the petitioners is/are valid, the consequences must follow in next three months.

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

(Rajiv Roy, J)

Adnan/-

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