

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.6028 of 2019**

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Lalbabu Purbey S/o Late Raghunath Purbey, R/o-Village- Mathurapur, P.S.-  
Warisnagar, District-Samastipur

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Road Construction Department, Govt. of Bihar, Patna
2. The Engineer-IN-Chief-Cum-Additional Commissioner-Cum-Special Secretary, Road Construction Department Govt. of Bihar, Patna
3. The Chief Engineer, Road Construction Department, Samastipur
4. The Executive Engineer, Road Construction Department, Road Division, Samastipur
5. The Assistant Engineer, Road Circle, Road Construction Department, Samastipur-3
6. The Collector, Samastipur
7. The Sub-Division Officer, Samastipur

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Chhote Lal Mishra, Advocate  
For the Respondent/s : Mr. Uday Shankar Sharan Singh (GP-19)

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**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**

ORAL ORDER

5      24-04-2025                      Heard learned counsel for the petitioner and learned  
counsel for the State.

2. The present writ petition has been filed for the  
following reliefs:-

*I. For a direction to the Respondents not to  
unauthorizedly occupy the raiyati land of the petitioner situated*



*over Mauza-Mathurapur, Thana No.-117, Khata No.-49, Plot No.-606, Area-3 Kattha 04 Dhur for widening the Samastipur-Darbhanga Road.*

*II. Further for direction to the Respondents to release and restore to its original status, the raiyati land of the petitioner situated in Mauza-Mathurapur, Thana No.-117, District-Samastipur, Khata No.-49, Plot No.-606, Area-06 Dhur and also land of Khata No. 128, Plot No.-607 Area- 01 Katha 4 Dhur, on which the Road Construction Department has illegally encroached and constructed Samastipur-Darbhanga Road.*

*III, For also direction to the Respondent-Road Construction Department to produce the evidence of acquisition of the raiyati land of the petitioner of Mauza-Mathurapur, Thana No.-117, District-Samastipur, Khata No.-49, Plot No.-606, Area-3 katha and 10 Dhur and also land of Khata No. 128, Plot No.-607 Area- 01 Katha 4 Dhur and also proof of monetary benefit given for the acquisition.*

*IV. Alternatively for direction to the Respondent Road Construction Department to pay adequate compensation to the petitioner for illegally constructing Road on the raiyati land of the petitioner of Mauza- Mathurapur, Thana No.-117, District-Samastipur, Khata No.-49, Plot No.-606, Area-06 Dhur and also*



*land of Khata No. 128, Plot No.-607 Area- 01 Katha 4 Dhur.*

*V. Besides, for direction upon the Respondent- Road Construction Department to duly compensate for the physical and mental harassment suffered by the petitioner and also the cost of litigation thrust upon the petitioner.*

*VI. For any other appropriate relief/reliefs to which the petitioner is found entitled in the facts and circumstances of this case.*

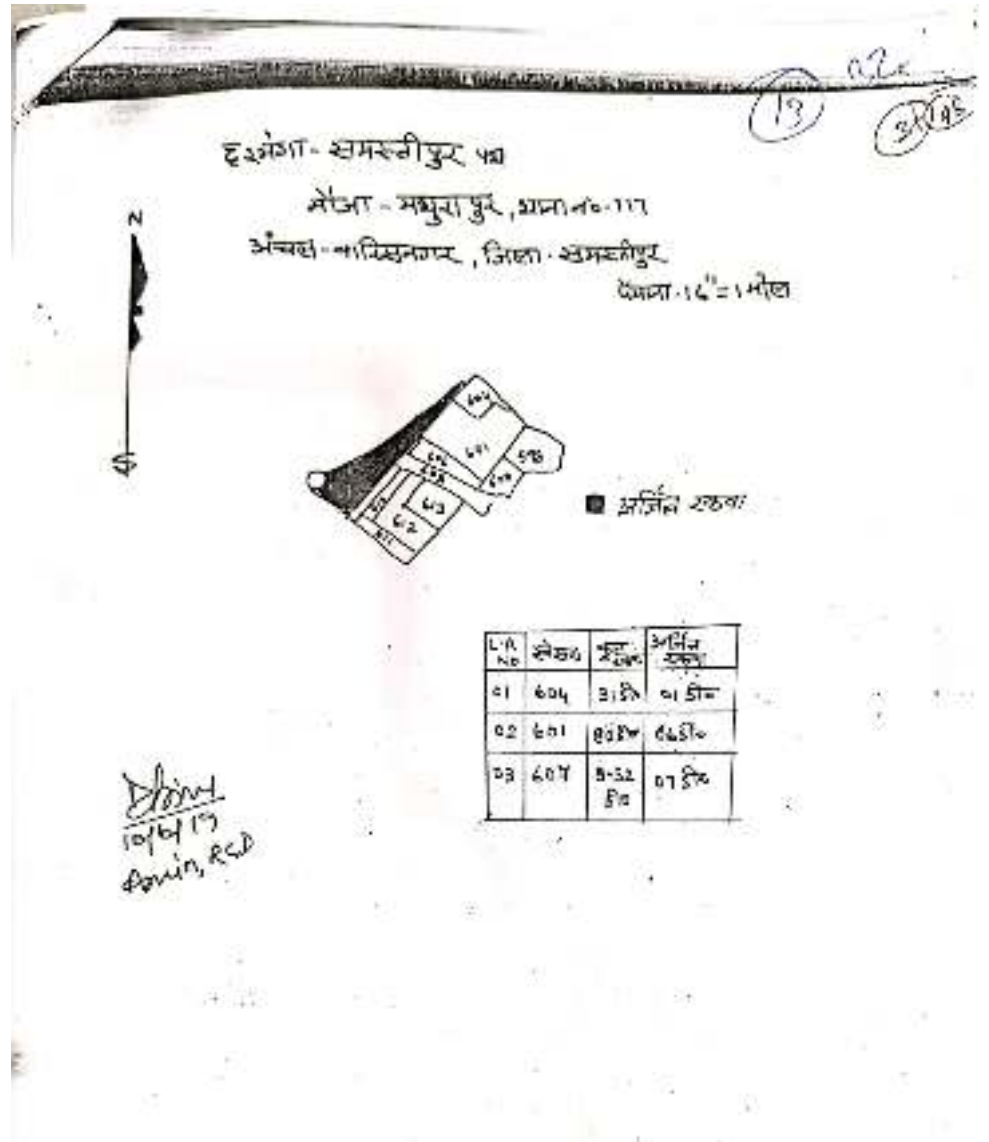
3. Learned counsel for the petitioner submits that the State has filed a counter-affidavit in the present case, wherein proper measurement has been done. The measurement report along with the trace map has been annexed as Annexure-A to the counter-affidavit. It is further submitted that, without entering into the merits of the case, the respondent authorities should not disturb the petitioner beyond the area specified in the said measurement, which is part of the counter-affidavit as Annexure-A.

4. Counsel for the State submits that if this is the only relief of the petitioner that Annexure-A be accepted by the State and nothing else despite having demanded several other reliefs, then the State ready for the same.

5. In light of the submissions made above, this Court







6. In light of Annexure-A of the counter-affidavit and the submission of the counsel, it is directed that the petitioner shall not be disturbed by the respondents in any manner in the future, and Annexure-A shall be considered the accepted position for both parties.



7. With this direction, the writ petition stands disposed  
off.

Aman Kumar/-

(Dr. Anshuman, J)

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