

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6310 of 2025

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Mohan Prasad Yadav (Ex. Army) S/o-Sri Satyadeo Yadav R/o - Gidha, Post - Parsa, P.S. - Ghoghardiha, Dist. - Madhubani-847402, Adhar - 769239478929, M - 8987122085.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Revenue and Land Reforms, Bihar Bailey Road, P.O.- GPO, P.S. - Sachivalay, Patna.
2. The Principal Secretary, RWD, Bihar P.O. - GPO, P.S. - Sachivalay, Patna.
3. The District Magistrate Cum Collector, Madhubani.
4. The land Acquisition Officer, Madhubani.
5. The Sub Divisional Officer, Madhubani.
6. The Circle Officer, Ghoghardiha.
7. The Executive Engineer, RWD, Work Division-Phulparas, Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Jha, Advocate
For the Respondent/s : Mr. AC to AAG-13

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-06-2025 1. Heard learned counsel for the petitioner and learned AC to AAG-13 for the State.

2. Learned counsel appearing on behalf of the State at the outset submits that the dispute in the instant writ application pertains to a land appertaining to Plot No. 4305 (old) and Plot No. 7160 (new) situated at village Gidaha, P.S. Ghoghardiha, P.O. Parsa, District Madhubani. Learned State Counsel further submits that in sum and substance, the instant writ application has been filed for a direction upon the authorities not to proceed with the construction of the road over his raiyati land. Learned State Counsel next submits that petitioner had earlier moved this



Court by filing C.W.J.C. No. 9791 of 2018 seeking identical relief which was taken up on 29.08.2022 and after hearing the learned counsel for the parties and also after taking into consideration the plea of the State taken in the counter affidavit, the petitioner had sought permission of the Court to avail alternative remedy as is available under the law for seeking a declaration regarding his right, title and possession over the said portion of the land with regard to which right of way is being claimed by the villagers and the liberty so sought was granted.

3. Learned Counsel for the State submits that no doubt, in the counter affidavit filed in C.W.J.C. No. 9791 of 2018 on behalf of the District Magistrate, Madhubani at paragraph no. 12, it was stated that although it is true that the road in question has been made over a portion of the land of the petitioner appertaining to Khesra No. 4305, however, the said road is existing since 60 years. It is, thus, submitted that since the road was in existence for the last 60 years, as such, the petitioner had sought to avail his alternative remedy for getting his right, title and possession declared over the land. It is submitted that since the petitioner had earlier moved this Court and thereafter had sought the aforesaid liberty, as such, the instant writ application for the same cause of action is not



maintainable.

4. Learned counsel appearing on behalf of the petitioner is not in a position to rebut the said submissions of the learned counsel appearing on behalf of the State.

5. Considering the submissions made by the learned counsel appearing on behalf of the parties, the Court is not inclined to entertain the writ application.

6. Hence, the writ application is dismissed.

7. However, the petitioner would not be precluded from availing his alternative remedy for seeking declaration regarding right, title and possession over the land in dispute before a Court of competent civil jurisdiction.

(Satyavrat Verma, J)

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