

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7072 of 2024

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1. Ashok Kumar Son of Shri Vishnu Kumar, Resident of Bhirkhi Uttar Bari, Ward No.- 26, Sukhashan Road, in front of Bhirkhi Satsang Bhawan, Police Station and District-Madhepura.
 2. Ganesh Shankar Vidyarthi, son of Late Jagdish Prasad Yadav, resident of Bhirkhi Dakshin Bari, Ward No.- 26, Police Station and District-Madhepura.
 3. Rajendra Pandit, son of Late Bhola Pandit, resident of village Bhirkhi, Ward No.26, P.S. and District- Madhepura.
 4. Chaturanand Pandit, son of Late Jarbhu Pandit, resident of Bhirkhi Dakshin Bari, Ward No.- 26, Police Station and District- Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The District Magistrate-cum Collector, Madhepura.
3. The Deputy Collector, Land Reforms (D.C.L.R.), Madhepura, District-Madhepura.
4. The Sub-Divisional Officer, Madhepura, District- Madhepura.
5. The Circle Officer, Anchal- Madhepura, District- Madhepura.
6. The Executive Officer, Nagar Parishad, Madhepura.
7. The Bihar State Pool Nigam, through its Managing Director, 6, Mangles Road, Patna.
8. The Site Incharge of Dayal High-tech Engineering Pvt. Ltd. Company, constructing Eastern Railway Over Bridge (ROB) at Railway Gumti (Dhala), situated at Bhirkhi, District- Madhepura.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ankesh Bibhu Mr. Sandeep Kumar Ms. Ankita Tripathi
For the State	:	Mr. Manoj Kumar Sinha, AC to SC-19
For the BRPNNL	:	Mr. P. K. Shahi, Sr. Adv. Mr. Vikas Kumar Ms. Aradhana Kumari
For the Respondent-6	:	Mr. Gyanendra Kumar Shukla

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER



5 15-09-2025

1. Heard learned counsel for the parties concerned.

2. The grievance of the petitioners in the present writ application is that the respondent-authorities, without acquiring rayati land of the petitioners, more particularly land situated at Plot No. 636, are intending to construct Railway Over Bridge (ROB) and a requisition in this regard has been sent by the Bihar State Pul Nirman Nigam Ltd. to the District Magistrate, Madhepura, for acquisition of the land of the petitioners and others as mentioned in the requisition in Form-1, which is part of the counter affidavit filed the respondent no. 2-District Magistrate -cum- Collector, Madhepura.

3. Further contention of the petitioners is that the respondent-authorities deviated from the project report and the trace map has been submitted for the construction of Railway Over Bridge upon Madhepura Patharghat Road in lieu of Level Crossing No. 90/T22 at KM 77/9 – 78/0 between DMH-BDMA station situated in Saharsa Purnea Section in the District of Madhepura. Land encroachment proceedings have been initiated against large number of persons i.e. around 61 encroachers, but the respondent-authorities are not in a position to remove persons from encroached land. The alignment has been changed and now the respondent-authorities are trying to construct the



Railway Over Bridge on the land of the petitioners and on other rayati land owners.

4. Learned counsel for the State as well as Bihar State Pul Nirman Nigam Ltd. submits that grievance of the petitioners is premature and they have no cause of action to maintain the writ application inasmuch as no construction has been started on the land of the petitioners and the present work is going over existing road. Some extra land is required from both sides of road where width is falling short. The proposal has been submitted for acquisition of land not only of the petitioners but also of other raiyati land owners of the locality. Notification of acquisition of land has not yet been issued, but the petitioners have submitted their objections before the competent authority.

5. Considering the rival submissions of the parties and taking into consideration the fact that acquisition proceeding has not been initiated upon the subject land of the petitioners and construction upon the petitioners' land has not yet been started, accordingly, the present writ application is disposed with liberty to the petitioner to file objection before the respondent-authorities, if acquisition proceeding is initiated under the relevant laws.



6. With aforesaid observation and direction, this writ application stands disposed.

(Anil Kumar Sinha, J)

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