

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2169 of 2017

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Ramadhar Singh Son of Late Rameshwar Singh, resident of Village- Balha
Manorath, P.S.- Bajpatti, District - Sitamarhi.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Secretary, Rural Work Department, Bihar, Patna.
3. The Secretary, The Board of Revenue Department, Bihar, Patna.
4. The District Magistrate, Sitamarhi.
5. The Chief Executive Engineer, Sitamarhi.
6. The Land Aquisition Officer, Sitamarhi.
7. The R.E.O. Pupri, Sitamarhi.
8. Kaushal Kishore Singh, S/o Unkown (Contractor).

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Amrit Abhijat, Advocate
	:	Mr. Sanjay Singh, Advocate
	:	Snehil Kumar, Advocate
	:	Mr. Devendra Kumar, Advocate
For the Respondent/s	:	Mr. Birendra Prasad Singh, AC to SC-19

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 24-06-2025 Heard Mr. Amrit Abhijat, learned counsel for the

petitioner and learned State counsel representing the State.

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

*(i) For application in nature of mandamus for
direction to the respondent authorities to made
compensation to the petitioner who have
acquired the agriculture land neither any
notice/gazette nor consent by the State
Government inspite of that the petitioner has*



been given made rent in the State of Bihar although the land has not existed the road in the map.

(ii) For further direction to the respondent authorities have not disturbed the peaceful possession of the petitioners from the land in question which has not been acquired by the respondents without giving any notice/compensation to the petitioner and have not to vacant the acquired land forcibly and shall be remain stay during the pendency of the case before the Hon'ble Court.

(iii) For any other relief or reliefs to which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

3. A counter affidavit on behalf of the Executive Engineer, Rural Works Department, Pupri, Sitamarhi is on record according to which the road coming in the alignment of petitioner's land has been removed and restored to its original status as on 08.09.2018 by removing the road from his land as is evident from the letter no. 861 dated 08.09.2018 addressed to the Chief Engineer, Rural Works Department, Bihar, Patna.



4. From the aforesaid facts, one thing is clear, the land of the petitioner was used as a road without acquiring and/or making compensation to him. In that background, he rightly agitated the matter where after realizing the mistake, the same has been restored to its original position as recorded above. However, the question remains- the loss of public money in construction of a road on a private land as also another cost for its removal. Certainly, responsibility has to be fixed and the expenses so made has to be realized from the erring respondents/officials after hearing them and passing an appropriate order.

5. From the record, it seems that the entire process was undertaken by the office of Rural Works Department, Work Division, Pupri, Sitamarhi and in that background, it is the duty of the respondent no.2, the Principal Secretary, Rural Works Department, Bihar, Patna to look into the matter, get hold of the entire documents relating to expenses on the construction/restoration of the land of the petitioner and after noticing the erring official, to pass an appropriate order for realization of the amount latest by 31.12.2025.

6. Since the land of the petitioner has been restored, granting liberty to the learned counsel for the petitioner to



approach civil court for appropriate compensation for the said damage to his land, the writ petition stands disposed of.

7. Let a copy of the order be sent to the office of the Principal Secretary, Rural Works Department, Bihar, Patna for his perusal and necessary action.

(Rajiv Roy, J)

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