

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4555 of 2016

- 1.1. Sanjay Kumar Son of Late Dashrath Saw R/o Village - Loshghani, P.S. - Piri Bazar, District- Luckhisarai.
- 1.2. Vimal Devi Wife of Rakesh Kumar, D/o - Dashrath Saw, R/o - Alinagar, P.S. - Suryagarha, Dist. - Luckhisarai.
2. Gopal Kumar, Son of Ganesh Datt Singh, resident of Village- Ghosaith, P.O. and P.S. Piri Bazar, District- Lakhisarai.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Secretary, Rural Works Department, Government of Bihar, Patna
2. The District Magistrate, Lakhisarai.
3. The Commissioner, Munger Division, Munger.
4. The Deputy Collector Land Reforms, Lakhisarai.
5. The Superintendent of Police, Lakhisarai.
6. The Sub-Divisional Officer, Lakhisarai.
7. The Executive Engineer, Rural Works Department, Lakhisarai.
8. The Block Development Officer Surajgarha, District- Lakhisarai.
9. The Circle Officer, Surajgarha District- Lakhisarai.
10. The Assistant Engineer, Rural Development Works Lakhisarai.
11. Bhim Bind, Son of Sukhari Bind
12. Kishori Bind
13. Daso Bind Both sons of Huray Bind
14. Ramdas Bind
15. Pago Bind Both sons of Late Baldeo Bind
16. Karu Bind, Son of Late Ramrup Bind
17. Krishna Bind, Son of Late Gajo Bind
18. Jawahar Bind, Son of Late Bhopal Bind
19. Siyaram Bind, Son of Basudeo Bind
20. Chandrika Bind, Son of Late Bhopal Bind All are residents of Village- Tumni Belalari, P.O. and P.S.- Piri Bazar, District- Lakhisarai.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Jai Prakash Singh, Advocate
For the State	:	Mr. Sunil Kumar Mandal, SC-3

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY



ORAL ORDER

9 20-11-2025 Heard the parties.

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

“(i) for issuance of an appropriate writ/writs, order or direction for restraining the respondents for making any construction of road upon the land of the petitioner which is situated in Mauza Chora, Thana No.77, Thana No.5443, Khata No.446 Plot No.821 area 32 decimal, Plot No.826 area 42 decimal, Khata No.396 Plot No.888 area 0.7 decimal, Khata No.101 Plot No.889 area 0.28 decimal, Khata No.68 Plot No.943 area 1.38 decimal, Khata No.68 Plot No.875 area 8.85 decimal under Piri Bazar Police Station, Block Surajgarha in the District of Lakhisarai.

(ii) for issuance of an appropriate writ, order or direction for restraining the respondents to making any construction of road from Tumni village to Piri Bazar at the distance of 1.5 Kilometer road under Piri Bazar Police



Station in the District of Lakhisarai Block Surajgarha in respect of aforesaid mentioned area.

(iii) for issuance of an appropriate writ, order or direction to execute the order passed by the Commissioner, Munger Division, Munger on 21.01.2015 in L.D. Appeal No.94/2014 as contained in annexure-2 to this writ petition in respect of aforementioned land.

(iv) for issuance of an appropriate writ, order or direction for quashing the Notification No.-R.W.D./ M.M.G.S.Y./HQ./03-2013-14 at Sl. No.184 dated 15.01.2014 contained in Annexure-3 to this writ petition from Rural Works Department Govt. of Bihar under the Mukhya Mantri Gram Sampark Yojna for construction of Road for distance of 1.54 K.M. for Piri Bazar to Tumni village of Piri Bazar P.S. and District Lakhisarai.

(v) for issuance of an appropriate writ, order or direction to restrain the respondents to encroach the private land of the



petitioners in respect of the aforementioned land.”

3. After repeated orders of the coordinate Bench finally, the State through respondent no.1, 7 and 10 i.e. filed supplementary counter affidavit duly signed by the Executive Engineer, Rural Works Department, Lakhisarai and paragraph no.4 and 8 to 10 read as follows:

“4. That before giving para wise reply a consolidated supplementary counter affidavit is being filed however answering respondents crave leave from this Hon'ble Court to file additional supplementary counter affidavit, if so required or directed by this Hon'ble Court.

8. That it is very humbly submitted with respect to aforesaid grievance of the petitioner that the then Executive Engineer, RWD, Work Division, Lakhisarai vide memo no.64 dated 22.01.2014 has suspended the tender of the aforesaid work namely T03-ODR-to Tumini Path and at present the construction work over the raiyati land of the petitioner has been stopped as is evident from letter no.200



dated 07.02.2024 issued under the signature of the Executive Engineer, Rural Works Department, Works Division, Lakhisarai.

9. That it is very humbly submitted that the scheme in question namely T03-ODR-to Tumini Path which is 1.54 Km in length and connects Piri Bazar to Tumni Village has already been dropped by the present respondent department.

10. That it is further submitted that there has not been any construction over the raiyati land of the petitioner and at present the raiyati land of the petitioner is in its original shape.”

4. Though the learned counsel for the petitioner tried to impress upon this Court that the road is existing, since the affidavit has come on behalf of the highest authority, the Principal Secretary, Rural Works Department, Bihar, Patna as also the Executive Engineer, Rural Works Department, Lakhisarai, this Court will go by the said statement made on affidavit.

5. If the ground situation is different from what has



been stated in the affidavit, the petitioner has the option to file contempt petition.

6. The writ petition is disposed of with the aforesaid observation.

(Rajiv Roy, J)

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