

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5817 of 2015

Prabha Kumari Wife of Sagdeo Prasad Singh R/o Village- Fareheda, P.S. -
Rupou, Kowakol, District- Nawada.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The District Magistrate, Nawada.
3. The Executive Engineer , Special Division, Nawada, District- Nawada.
4. The Executive Engineer, Rural Works Department , Rural Works Division,
Part-1 , Nawada , District-Nawada
5. The Executive Engineer, Rural Works Department , Rural Works Division
Part-II, Rajauli, District- Nawada
6. The Special Work Officer, District Confidential Branch , Nawada, District-
Nawada.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Dinu Kumar, Advocate Mr Vardaan Mangalam, Advocate Mrs. Ritika Rani, Advocate
For the Respondent/s	:	Mr. Naman Nayak, AC to Ex-AAG-10

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

11 25-09-2025 Heard Mr. Dinu Kumar, learned counsel for the
petitioner and the State.

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

*“I. For commanding the respondents to
remove the earth soil which filled up by the
Executive Engineer, Special Works Division
Nawada (now bifurcated in two Divisions firstly
Rural Works Division Part-I Nawada and secondly*



*Rural Works Division Part-II, Rajauli, Nawada)
over the land of the petitioner being Khata No. 35,
Plot No. 38/24 and 46/30 Area 3 acres 46 decimals
situated in Village- Fareheda, P.S.- Rupau,
District-Nawada.*

*II. And also giving appropriate direction
for compensation of Rs. 1,00,000/- (One Lac) the
petitioner of the litigation cost and damage caused
to the petitioner after filling up earth soil over the
land of the petitioner which has not been removed
up till now despite the order passed by the S.D.O.,
Nawada Sadar on 11.02.2014 in Case No.287/13
as contained in Annexure-8 and communication
made by the S.D.O., Nawada Sadar to the
Executive Engineer, Rural Works Division, Nawada
on 25.07.2014 as contained in Annexure-10 and
order issued by the Special Officer, District
Confidential Branch, Nawada on 01.01.2015 to the
Executive Engineer, Rural Works Department,
Works Division, Part-I, Nawada and Executive
Engineer, Rural Works Department, Works
Division, Part-II,, Rajauli, Nawada.*



III. Also for necessary relief/reliefs, order/orders, direction/directions for which the petitioner will be entitled in the law as well as in the facts of the case.”

3. The last supplementary counter-affidavit filed by the respondents in which paragraph nos. 7 and 8 shows that the road has been constructed on khata no. 123, khesra no. 28, the nature is Unoccupied Public Land (Anabad Sarvasadharan). Further, the respondents have not encroached any land of the petitioner for construction of road in question.

4. Learned State counsel further submits that the measurement process was taken in the presence of the petitioner's husband and certain photographs have been filed which is/are on record.

5. Learned counsel for the petitioner, Mr. Dinu Kumar submits that they are relying on the photographs and no measurement document has been filed. Further, the petitioner being the lady, she was never given any information whatsoever regarding the said measurement and the presence of husband in that background, has to be rejected.

6. On the one hand, the categorical statement of the respondents is/are that the land of the petitioner has not been



used and the construction has been made of 'Anabad Sarvasadharan' land, on the other hand, the contention of the petitioner is that her land has been used, no measurement made in her presence and even the measurement report is not on record.

7. In that background, instead of allowing both the parties to file additional affidavits, since the matter is a decade old, to bring the same to a logical conclusion, it would be appropriate that the petitioner with all her supporting documents approach the Collector, Nawada (respondent no. 2) in next eight weeks who shall be noticing the parties concerned and thereafter shall be disposing of the matter by a reasoned order expeditiously.

8. The writ petition stands disposed of with the aforesaid order.

(Rajiv Roy, J)

Adnan/-

U			
---	--	--	--

