

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15531 of 2016

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Rana Pratap Singh Son of Late Paras Nath Singh resident of village - Tippa,
Police Station Nauhatta, District Rohtas

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Department of Road Construction, Bihar, Patna
3. The Engineer in Chief, Department of Road Construction, Government of Bihar, Patna
4. The Executive Engineer, Department of Road Construction, District Rohtas
5. The Superintendent Engineer, Department of Road Construction, Rohtas
6. The Collector, District Rohtas
7. Shri Amit Pandey Son of Rama Ashish Pandey (Ravi Construction Pvt. Ltd. resident of village - Dibhiya, P.S. Karahger, District Rohtas

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sunil Kumar Singh, Adv
For the State	:	Mr. Swapnil Kumar Singh, AC to GP-19
For Res. No. 7	:	Mr. Amit Pandey, Adv

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

7 31-07-2025 Heard learned counsel for the petitioner and learned
counsel appearing for the respondent-State.

2. The present writ application has been filed by the
petitioner for claiming the following reliefs:

*(i) For issuance of an appropriate writ
including a writ of Mandamus commanding the
respondents forthwith to remove the illegal
encroachment and cutting of soil from the
petitioner's land of Khata No. 105, Plot No. 609 in
course of making a road from Akbarpur to
Ydunathpur, via Tippa, District-Rohtas, measuring
an area about 39 dec. land.*



(ii) For issuance of an appropriate writ in the nature of mandamus commanding the respondents to immediately stop any further construction of road they propose/intent to make over the private land in clear violation of law, thereby infringing the personal property rights of the citizens.

(iii) For issuance of an appropriate writ in the nature of mandamus commanding respondents to fill up the ditch made in course of constructing road in the petitioner's land which is 50 feet in length, 15 feet wide and 09 feet in depth in Plot No. 609.

(iv) For issuance of any other appropriate writ(s), order(s), direction(s) may be deemed fit and proper in the facts and circumstances of the case including passing an order for exemplary damages and compensation etc. for the harm/inconvenience caused to the petitioner.

3. Learned counsel for the petitioner submits that for removing the illegal encroachment and cutting of soil from the raiyati land of the petitioner, the petitioner had served a legal notice to the District Magistrate, Rohtas, Sasaram on 08.07.2016 (Annexure-2) but no action was taken on the said legal notice. Learned counsel further prays that the present writ application may be disposed of directing the District Magistrate, Rohtas,



Sasaram to treat the legal notice dated 08.07.2016 (Annexure-2) as his representation and for disposing of the same on merit after giving an opportunity of hearing to the petitioner, by passing a reasoned and speaking order.

4. To this prayer being made by learned counsel for the petitioner, learned counsel for the respondent-State does not have any objection.

5. Considering the limited nature of prayer being made by learned counsel for the petitioner, this writ application is disposed of directing the District Magistrate, Rohtas, Sasaram to treat the legal notice dated 08.07.2016 (Annexure-2) as representation of the petitioner and dispose of the same on merit after giving an opportunity of hearing to the petitioner, by passing a reasoned and speaking order. The entire exercise must be completed within a period of four months from the date of production of a copy of this order.

6. With the aforesaid observation/direction, this writ application is disposed of. All pending interlocutory application(s), if any, will also be deemed to have been disposed of.

(Alok Kumar Sinha, J)

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