

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12158 of 2024

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Bishwa Jeet Kumar Son of Raghunandan Prasad Sinha, Resident of Village-
Khirichak, P.O.- Oiyav, P.S.- Asthawan, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Divisional Commissioner, Patna Division,
Patna.
2. The District Magistrate, Nalanda at Biharsharif.
3. The SDO, Biharsharif, District- Nalanda.
4. The DCLR, Biharsharif at Nalanda.
5. The Executive Engineer, Rural Works Department, Work Division,
Biharsharif at Nalanda.
6. The Circle Officer, Asthawan, District- Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rakesh Kumar Sharma, Advocate
For the Respondent/s	:	Mr. P.K. Shahi, AG

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 10-01-2025

The writ petition is filed seeking completion of a road,
the construction of which was commenced in the year 2018. The
subject road is situated within Asthawan Block and starts from
Khirichak to Nuawan which has been sanctioned under the
Mukhya Mantri Gramin Sadak Yojna (for brevity ‘MMGSY’). It
is stated that what is to be completed is only 100 metres for
completion of which a representation has been filed at
Annexure- P/7.



2. A counter affidavit has been filed by the Respondent Nos. 2 to 6 in which it is admitted that the construction of the road was taken up under the MMGSY. However, there was an objection raised with respect to the land which resulted in the measurement by the Anchal Amin and there was encroachment on the private land which was reported to the executing agency by the Circle Officer. Based on the reports submitted by the Circle Officer, there was a proposal to acquire the lands falling in the alignment of roads which resulted in public unrest and the Magistrate and police forces were deployed by the order of the S.D.O, Biharsharif.

3. It is also submitted that the measurement carried out by the Anchal Amins of Rahui and Biharsharif jointly, reveal that the road construction would result in blockage of a public canal which is used for irrigation. The Circle Officer then informed the S.D.O., Biharsharif that there was objection to the construction of the road over the canal since the flow of water in the canal was bound to be obstructed.

4. We are of the opinion that in the context of the objections raised there can be no orders issued for completion of the construction. The District Administration has stopped the construction work only on the objection raised with respect to



the obstruction of the free flow of the water of the canal.

5. We find absolutely no reason to entertain the writ petition and dismiss the same.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

Anushka/-

AFR/NAFR	
CAV DATE	
Uploading Date	15.01.2025
Transmission Date	

