

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4752 of 2016

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Ashutosh Kumar Singh Son of Late Ram Shanehi Singh, Resident of Village-
Dharahara, P.O.- Dharahara, District- Munger.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate cum Collector, Munger.
3. The District Development Commissioner, Munger.
4. The Sub-Divisional Magistrate Munger, District- Munger.
5. The Block Development Officer, Dharahara Block, District- P.O. and P.S.-
Dharahara, Munger.
6. The Circle Officer, Dharahara Anchal, District- P.O. and P.S.- Dharahara,
Munger.
7. The Officer Incharge of Dharahara Police Station, District- Munger.
8. Manoj Kumar Singh, Mukhia of Dharahara Gram Panchayat P.O. and P.S.-
Dharahara, District- Munger.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Anand Kumar Singh, Advocate
	:	Mr. Dharmendra Kumar, Advocate
For the State	:	Mr. Saroj Kumar Sharma, AC to AAG-3
For the Resp. No.8	:	Mr. Manu Tripurari, Advocate
	:	Ms. Jaya Singh, Advocate
	:	Ms. Raghu Raj, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

7 20-11-2025 Heard the parties.

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

*“for issuance of a writ (s) directing the
Respondents Authorities to Remove
encroachment from the Raiyati Land of
petitioner which has been illegally captured and*



utilized by Mukhiya of Dharahara Gram Panchayat Respondent no.8 of khata no.12 and Khesra No.81 of Mauza Bhawanipur Pargana Dharahara without consent of petitioner and any family member and constructed P.C.C. Road under MANREGA Scheme, in spite of Repeated Representation to the Competent Authority to stop the work of Road Construction and further Direction to Respondent Authorities to take legal action against the responsible persons and compassionate or whatever is necessary in order to mitigate the loss caused to the petitioner.”

3. The matter relates to a piece of land which the petitioner holds i.e. Mauza Bhawanipur, Khata No.12, Khesra No.81 in under Village and Circle-Dharhara in the district of Munger.

4. The claim of the petitioner is that P.C.C. road has been constructed by the respondents under MNREGA Scheme under the influence of the respondent no.8, Manoj Kumar Singh who was then Mukhiya of the said Gram Panchayat. As representation before the authorities failed to cut any ice, the writ petition.



5. In this case, upon notice, the respondent no.8 has appeared, the State has also come up with the counter affidavit duly filed on behalf of respondent no. 2 to 6 and signed by the Circle Officer, Dharhara, Munger.

6. Learned State counsel has taken this Court to paragraphs no.7 to 10 to show that **no P.C.C. road has been constructed under the MNREGA Scheme** on the aforesaid land of the petitioner.

7. There is no rejoinder to it, however, learned counsel for the petitioner submits that contrary to the stand in the affidavit, actually the construction has taken place.

8. Learned counsel for the respondent no.8, Mr. Manu Tripurari submits that on the one hand, the State has denied any P.C.C. road under MNREGA Scheme, on the other hand, as per his instruction, the land actually belonged to Jaleshwar Singh who had sold it to Chaturi Singh who again in turn donated it to village panchayat. However, that is the averment so made and is not on affidavit and as such, same cannot be taken into account.

9. This Court is of the opinion that a categorical statement has been made by the State that no P.C.C. road has been made under MNREGA Scheme and in that background, the proceeding in the present case has to close, if there is any



issue of the petitioner with the respondent no.8, that can be adjudicated before a competent authority/court.

10. If still the petitioner is of the view that the stand of the State as recorded in the affidavit/this order is incorrect, he has all the option to prefer an appropriate petition before the Court for action against the respondents.

11. The writ petition stands disposed of with the aforesaid observation.

(Rajiv Roy, J)

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