

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1723 of 2019

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Anil Kumar Sri Rajeshwar Prasad Singh R/o Village- Bhagwatipur, P.S.-
Bihta, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar through Secretary, Rural Works Department, Govt. of Bihar, Patna
2. The Executive Engineer, Rural Work Department, Works Division, Danapur, Near Haj Bhawan, Harding Road, Patna- 800001
3. Circle Officer, Bihta Division- Patna
4. Tara Rajat Enclave Pvt. Ltd., through its C.M.D. Triloki Prasad. Vill and P.O.- Madhopur, P.S.- Maner, Patna
5. District Land Acquisition Officer, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Ambastha, Advocate
For the Respondent/s : Mr. Kameshwar Pd. Gupta, GP-10
Mr. Virendra Kuar, AC to GP- 10

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 17-04-2025

Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present writ petition has been filed for issuance of a writ in the nature of *Mandamus*, commanding the respondents to immediately stop the construction of a road upon the private land of the petitioner and to construct the said road on Government land, which is situated adjacent to the petitioner's land. A further prayer has been made to direct the respondents to provide appropriate compensation to the petitioner for the use of his land, in accordance with the provisions of the Land



Acquisition Act.

3. Learned counsel for the petitioner submits that the Rural Works Department (Respondent No. 2) has constructed a village road on the raiyati land of the petitioner without following any lawful procedure. Neither taken consent of the petitioner, nor any process of acquisition made. It is further submitted that the petitioner approached the Circle Officer for demarcation of the land, however, his request was completely ignored. A counter affidavit has also been filed in this case, wherein the State, particularly the Executive Engineer, Rural Works Department, Danapur, has stated that a request was made to the Circle Officer, Bihta, for measurement of the land, which has not yet been completed.

4. Learned counsel for the State submits that, vide order dated 06.02.2025, the Circle Officer, Bihta Division, Patna, was directed to complete the measurement and submit a report. The said report has been submitted by way of a counter-affidavit. From the counter-affidavit, annexed as Annexure-B, it transpires that the PCC road has been constructed on the petitioner's land measuring 4.71 decimals, pertaining to Plot No. 5541, which the petitioner is claiming. Counsel further submits that, based on the measurement, the petitioner has every right to approach the appropriate authority in the matter. It is submitted by the



petitioner that the said measurement is not acceptable but it reveals that the PCC road encroaches upon the petitioner’s land.

5. In view of the fact that the State itself accepts that 4.71 decimals of the petitioner’s land have been taken for the construction of the road, this Court hereby disposes off the present writ petition with a direction to the District Magistrate / Land Acquisition Officer to initiate proceedings for the acquisition of the petitioner’s land within 90 days, based on the representation filed by the petitioner before him within 30 days along with a copy of this order. Upon receiving notice regarding the initiation of acquisition proceedings, the petitioner shall be at liberty to raise any further grievance regarding the measurement of the land, which, according to him, exceeds 4.71 decimals.

6. It is made clear that the entire process of acquisition shall be completed within a period of six months from the date of production of this order, on the basis of accepted measurement of land by the State Officials.

(Dr. Anshuman, J.)

Aman Kumar/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	24.04.2025
Transmission Date	NA

