

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12973 of 2017

1. Shanker Bhagwan and Ors Son of Late Radha Prasad Resident of Village-Narayanpur, P.O. Daulatpur, P.S. Koilwar, District-Bhojpur at Ara.
2. Ram Awatar Sao, Son of Late Sheetal Sao, Resident of Village-Jamalpur Bazar, P.O. Naya Mohammadpur, P.S. Koilwar, District-Bhojpur at Ara
3. Satyendra Singh, Son of Sri Bhuneshwar Singh, Resident of Village-Jamalpur, P.O. Naya Mohammadpur, P.S. Koilwar, District-Bhojpur at Ara.
4. Manoj Singh, Son of Late Ram Singhasan Singh Resident of Village-Jamalpur, P.O.Naya Mohammadpur, P.S. Koilwar, District-Bhojpur at Ara.
5. Daya Shankar Rai, So of Late Ganesh Rai, Resident of Village-Narayanpur, P.O.Daulatpur, P.s. Koilwar, District-Bhojpur at Ara.
6. Ambika Prasad Singh, Son of sri Mahesh Rai Resident of Village-Narayanpur, P.O.Daulatpur, P.s. Koilwar, District-Bhojpur at Ara.
7. Jitendra Kumar, Son of Sri Balrup rai, Resident of Village-Babhnauli, P.O. Manikpur, P.S. Koilwar, District-Bhojpur at Ara.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
3. The District Magistrate, Bhojpur at Ara, District-Bhojpur at Ara.
4. The District Land Acquisition Officer, Bhojpur at Ara, District-Bhojpur at Ara.
5. The Circle Officer, Koilwar, District-Bhojpur at Ara.
6. The Managing Director, Bihar State Bridge Construction Corporation Ltd, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. S.B.K. Mangalam, Adv.
For the Respondent/s	:	Mr. Dhurjati Kumar Prasad, GP-14
For Pul Nigam	:	Mr. P.K. Shahi, Sr. Adv. Dr. Anand Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

6 07-07-2025 Heard Mr. S.B.K. Mangalam, learned counsel for the

petitioner and Mr. Dhurjati Kumar Prasad, learned GP-14 and

Dr. Anand Kumar for Bihar Rajya Pul Nirman Nigam Limited



(henceforth for short, 'the Nigam').

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

(i) For issuance of an appropriate writ in the nature of CERTIORARI for quashing the public notice dated 18.06.2017 published in the daily Hindi News Paper "Hindustan" dated 18.06.2017, whereby and where under a public notice has been issued under Section 11 (1) of the Land Acquisition Act for acquisition of the Raiyati Land of the tenants including the petitioners for the construction of Babura-Doriganj Ganga Bridge Approach Road on the ground that if it was the stand of the Respondents before this Hon'ble Court in earlier round of litigation that they have already prepared a new alignment for the construction of a Bye-Pass Road and it has been approved by the Road Construction Department since if the road is contacted through Jamalpur Bazar, it would cause huge loss to the public, the Respondents cannot change their stand now for construction of the road through Jamalpur Bazar itself and informed the public for acquisition through the impugned notice.

(ii) For issuance of an appropriate writ in the nature of MANDAMUS,



commanding and directing the Respondent Authorities for construction of Bye Pass Road Jamalpur Bazar on an alignment near other than the old alignment which passed through the Jamalpur Bazar itself on the ground that if the Respondents would construct the four lane road through the busy market of Jamalpur Bazar , it would not only affect their right to life and livelihood as guaranteed under Article 21 of the Constitution of India , it will be impossible for them to use remaining portion of their old built house even for domestic purposes because they have already raised the height of the road up to 3-4 feet in the market contrary to the direction issued by this Hon'ble High Court in different writ petitions.

(iii) For issuance of any other writ /writs, order/ orders, direction /directions for which the writ petitioners would be found entitled under the facts and circumstances of the case.

3. A counter affidavit has come on behalf of the respondent no. 6 duly signed by the Senior Project Manager of 'the Nigam' and Dr. Anand Kumar has taken this Court to paragraph nos. 9 and 10 which read as follows:

9. That this petition filed by the



petitioners are wholly misconceived, because they have neither stated the area of their respective land which is going to be acquired or which has been acquired. Hence petitioners are not entitled for any relief to be granted by this Hon'ble Court.

10. That, it is also pertinent to mention here that from very perusal of this writ petition it appears that this petition has been filed by the petitioners in form of P.I.L. Thus, this writ petition is not maintainable.

4. The counter affidavit was filed in the year 2019 and has not been rebutted by the petitioners.

5. In that background, no relief can be extended to them, the writ petition is accordingly, dismissed.

6. Pending I.A.(s), if any, also stands disposed of.

(Rajiv Roy, J)

Vijay Singh/-

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