

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23442 of 2018

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Ashutosh Kumar Son of Sri Anand Mohan Singh Resident of Village- Gorea Kothi, Sub-Division- Maharajganj, P.S. and Anchal- Gorea Kothi, District- Siwan

... .. Petitioner/s

Versus

1. The State Of Bihar, through its Principal Secretary, Road Construction Department, State of Bihar, Patna
2. The District Magistrate-cum-Collector, Siwan
3. The Sub-Divisional Officer, Sub-Division- Maharajganj, District- Siwan
4. The Circle Officer, Anchal- Gorea Kothi
5. The Executive Engineer, Road Construction Department (Path Nirman Vibhag), District- Siwan

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Mithilesh Kumar Upadhyay, Advocate
		Mr. Raju Prasad, Advocate
For the State	:	Mr. AAG-11

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 11-11-2025 Heard the parties.

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

“(i) For issuance of the appropriate writ/writs/direction/directions to the respondents to stop the construction of Road in some part of Khandani and Raiyati plot of the petitioner as in around 720sft his plot without processes of Govt. acquisition, and without giving compensation and without making Physical Measurement of site,



which is being made on petitioner's plot, Khata No.194, Survey Plot No.1788, Tauji No.5455, Thana No.67 in Mauja-Gorea Kothi, Sub-Division - Maharajganj, District- Siwan, as to be made under the 'Mukhya Mantri Vikas Yojna'.

(ii) For issuance of the appropriate Writ/ Writs /direction commanding the respondents to give proper compensation under the law, after fulfilling all processes of the Acquisition and Land Acquisition Act, if the Govt. respondent is in need of extra land for the construction or widening of the road, if it is not done, respondents may be restrain for construction of road in the aforesaid petitioner's land.

(iii) For issuance of such order/ orders/direction /directions as your lordship may deem fit and proper under the facts and circumstances.”

3. The matter relates to construction of cross drain and road protection along with widening provision in respect of portion of Afrad more to Gorea kothi in the district of Siwan. The petitioner claims to be having ownership of a particular



piece of land as incorporated in the prayer portion under Gorea kothi circle, Siwan. The grievance is that no compensation amount has been paid.

4. A counter affidavit has been filed on behalf of respondent no. 5 duly signed by the Executive Engineer, Road Construction Department, Siwan which is on record in which it has been recorded that the land has been acquired by the Road Construction Division, Siwan from Rural Works Development, Patna *vide* Notification No. 6000 dated 18.09.2012 and the same has been found to be free of liabilities.

5. Though the petitioner claims that he is entitled with the compensation and different representations are there, it is not clear from the records nor all the documents have been attached with the writ petition.

6. Learned counsel for the petitioner submits that in a similarly situated matter in the case of ***Saraswati Devi @ Saraswati Kunwar Vs. The State of Bihar & Ors. (C.W.J.C No.366 of 2023)***, the Co-ordinate Bench of this Court disposed of the petition on 20.06.2023 directing the said writ petitioner to approach the District Magistrate-cum-Collector, Siwan for the redressal of the grievance. The contention is that the petitioner is ready to appear and satisfy the said respondent along with



supportive documents.

7. Learned counsel for the State has no objection and submits that if the same is filed, it shall be taken to its logical conclusion at an earliest.

8. In that background, following the order passed by the Co-ordinate Bench in the case of Saraswati Devi @ Saraswati Kunwar (*supra*), the writ petition is disposed of allowing the petitioner to approach the Respondent no.2 i.e. District Magistrate-cum-Collector, Siwan in next four weeks along with all the documents who shall be taking the matter to its logical conclusion after hearing all the parties at an earliest.

(Rajiv Roy, J)

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