

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2483 of 2026

1. Mostt. Shanti Devi Wife of Late Manik Ray, Resident of Village- Lavapur, Narayan, P.S.- Mahua, District- Vaishali.
2. Uma Devi, Wife of Late Nanhak Ray, Resident of Village- Lavapur, Narayan, P.S.- Mahua, District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Rural Works Department, Government of Bihar, Patna.
2. The District Magistrate, Vaishali.
3. The D.D.C, Vaishali.
4. The Deputy Collector, Land Reforms, Mahnar, Vaishali.
5. The Circle Officer, Vaishali.
6. The Block Development Officer, Mahnar, Vaishali.
7. The S.D.O., Mahnar, District- Vaishali.
8. The Assistant Engineer, Rural Works Department, Vaishali.
9. The Junior Engineer, Jila Parishad, Mahnar, District- Vaishali.
10. The Mukhiya, Gram Panchayat Lavapur Narayan Mahnar, District- Vaishali.
11. Pradeep Rai, member of Zila Parishad, Mahnar, Vaishali.
12. Hiralal Sah, Son of Chaturbhuj Sah, Resident of Village- Lavapur, Narayan, P.S.- Mahua, District- Vaishali.
13. Murli Manohar Rai, Son of Ram Layak Rai, Resident of Village- Lavapur, Narayan, P.S.- Mahua, District- Vaishali.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Raja Ram Rai, Advocate
For the State	:	Mr. Sanjay Kumar, AC to GP 23
For the Zila Parishad	:	Mr. Shri Nandan Prasad Singh, Sr. Advocate
		Mr. Nandan Pd. Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 16-02-2026

Heard Mr. Raja Ram Rai, learned counsel appearing



on behalf of the petitioners; Mr. Sanjay Kumar, learned AC to GP 23 for the State and Mr. Shri Nandan Prasad Singh, learned Sr. Counsel along with Mr. Nandan Pd. Singh, learned counsel for the Zila Parishad.

2. Petitioners have *inter alia* prayed for following reliefs in the paragraphs No.1 of the writ petition:-

“That this is an application for issuance of appropriate writ/writs, order/orders, direction/directions commanding the respondent authorities especially respondent no.3 to 9 not to encroach the land of dwelling house of petitioners for construction of village PCC Road without initiating a proceeding for acquisition of land of petitioners under Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (RFCTLARR) Act, 2013.

Petitioners further seeks Hon’ble Court’s indulgence directing and commanding the respondent authorities not to disturb the possession of petitioners on his ancestral land appertaining to Mauza- Lavapur Narayan, Thana No.617, Khata no.1049, Plot No.2110, Area 4 decimals, Plot No.2113, Area 02 decimal which is the ancestral land of petitioners and since son of petitioner no.2 is a Army man and mostly resides outside the village and other male members are living outside the State to earn their livelihood and by taking benefit of absence of Male member local elected bodies such as Mukhiya and Zila Parishad, encroached the 04 decimals of land for construction of village road in connivance with private respondent no.11 and 12 who do not want to give their land in construction of village road, resultantly respondent no.9 and 10 marked the private land of petitioners to be utilized in construction of road without the consent of petitioners.

Petitioners further seek Hon’ble Court’s indulgence for any other relief/reliefs for which they are found entitled in the eye of law and in the facts and circumstances of the present case.”

3. Learned counsel appearing on behalf of the petitioners submitted that illegally the authorities have started to construct PCC road upon the land appertaining to Khata



No.310, plot No.2113, an area of 2 decimals and land appertaining to Khata No.1049, Plot No.2110, area 4 decimals situated at Mauza- Lavapur Narayan. Vaishali in connivance with private respondents no.11 and 12.

4. Considering the aforesaid submissions made on behalf of the petitioners, the District Magistrate-cum-Collector, Vaishali is directed to constitute a three-member-committee, for holding an inquiry in respect of road constructed over the land in question. After proper consideration of the revenue records, the Committee is directed to submit a report in that regard to the District Magistrate. The District Magistrate after considering the report of the committee, is required to give opportunity of hearing to all the concerned parties, including private respondents no.11 and 12 and the petitioners in particular, and pass a reasoned order in accordance with law. In case, the land of the petitioners has illegally been acquired in construction of road then in that case, the same is required to be removed forthwith, ensuring to hand over the vacant possession of the land in question to the petitioners in accordance with the instructions contained in Letter No. 3578 dated 17.06.2013 and the subsequent clarification made by the State Government from time to time.



5. The writ petition, accordingly, stands disposed of.

(Purnendu Singh, J)

Sanjay/-

U			
---	--	--	--

