

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8144 of 2026

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1. Amar Kant Jha Son of Late Pitambar Jha resident of village Kharaj, P.S.-Kewati, District- Darbhanga.
 2. Mohan Jha Son of Late Pitambar Jha resident of village Kharaj, P.S.-Kewati, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary/ Principle Secretary, Planning and Development, Government of Bihar, Patna.
2. That the Principle Secretary, Planning and Development Department, Government of Bihar, Patna.
3. The District Magistrate, Darbhanga.
4. The Executive Engineer, Local Area Engineering Organization, Darbhanga.
5. The Circle Officer, Kewati, District- Darbhanga, Work Division, Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Gauri Shankar Yadav, Advocate
For the Respondent/s : Mr.Standing Counsel (3)

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 29-06-2026 Heard Mr.Gauri Shankar Yadav, learned counsel for
the petitioners and the State.

2. The present petition has been preferred for the
following relief/s:

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

*“i. For issuance of an appropriate
writ/writs, order/orders, direction/directions to the
respondents restraining them to construct the
P.C.C. Road under MKKVY Scheme on the raiyati
land of the petitioners mentioned in para-5 of the
writ petition.*



ii. For issuance of an appropriate writ/writs, order/orders, direction/directions to the respondents to make enquiry, measurement and verification of the land recommended for execution of the Scheme for construction of P.C.C. Road in the village of Kharaj, Panchayat Sarjapur, Block/Circle + P.S.-Kewati, District-Darbhanga from the house of Jay Krishna Jha to the house of Ram Nandan Yadav.

iii. For issuance of an appropriate writ setting aside the measurement report dated 21.07.2025 submitted by Anchal Amin (Annexure-P/4)

iv. For issuance of an appropriate order/direction to the respondents to construct the P.C.C. Road on the land recommended for the same and not on the raiyati/ private land of the petitioners.

v. For issuance of an appropriate order/direction to the respondents to stay the Construction work on the raiyati/Private land of the petitioners mentioned in para-5



of the writ petition.”.

3. The matter relates to land, description of which has been recorded in paragraph-05 and read as under:

<i>Mauza</i>	<i>Khata No.</i>	<i>Plot Nos.</i>	<i>Area</i>
<i>Kharaj</i>	148	1209	02 acres 51 decimals
	148	1210	01 acre 04 decimals

4. Armed with the measurement report of a private ‘Amin’ engaged by the petitioners, their claim is that the land in question has been used for the purpose of construction of P.C.C. road by the respondents.

5. A counter affidavit has come on behalf of the respondent no. 04, duly signed by the Executive Engineer, LAEO, Works Division-01, Darbhanga and it is important to incorporate paragraphs 07 to 17 of the counter affidavit which read as under:

7. that the present writ petition has been filed by the petitioners seeking restraint upon construction of P.C.C. road under Mukhyamantri Kshetra Vikas Yojana on the allegation that the respondents are illegally constructing the road over the ralyati/private land



of the petitioners bearing Plot Nos. 1209 and 1210, Khata No. 148, MauzaKharaj, P.S.-Keoti, District-Darbhanga. The allegations levelled in the writ petition are wholly misconceived, factually incorrect and contrary to the official records, spot verification reports and subsequent adjudication made by competent statutory authorities;

8. that the answering respondent submits that the scheme in question pertains to construction of P.C.C. road from the house of Jai Krishna Jha to the house of Ramanand Yadav situated at village Kharaj under Sarjaur Panchayat, Circle Keoti, District-Darbhanga under Mukhyamantri Kshetra Vikas Yojana, The said scheme was duly sanctioned by the competent authority after grant of administrative approval and technical sanction In



accordance with the applicable Government guideline and procedures. The sanctioned estimate and approval documents clearly demonstrate that the scheme is a public utility work intended for benefit and convenience of villagers residing in the locality

9. that prior to commencement of the work, the competent authorities conducted survey and identification of the existing village road/pathway. The sanctioned road alignment related to the already existing rural pathway which had been in public use for several years. The construction work merely related to conversion and strengthening of the already existing village road into P.C.C. road under the Government scheme;

10. that the petitioners raised objection alleging that the road construction was being carried out over their raiyati



land bearing Plot Nos. 1209 and 1210.

Upon receipt of such objection, the matter was immediately referred to the Circle Officer, Keoti and revenue authorities for detailed enquiry, local inspection, measurement and verification of the actual road alignment and the plots over which the road existed;

11. that pursuant to the aforesaid direction, a joint enquiry was conducted by revenue officials, local Amin, ward representatives and concerned authorities. During the enquiry, local villagers were also examined and the existing physical features of the land and road alignment were verified at the spot. The enquiry was conducted on the basis of available survey records, local enquiry, map verification and physical inspection of the site;



12. that after detailed enquiry and spot verification, the Circle Officer, Keoti submitted report bearing Memo No. 945 dated 22.07.2025 addressed to the Executive Engineer, Local Area Engineering Organization, Darbhanga, In the said report it was specifically recorded that the road alignment in question had already been existing for approximately 10-12 years and that the present ACC construction work was being carried out over the said existing alignment. The report Forther categorically recorded that upon verification and measurement, the road alignment was found situated over Plot Nos. 1162, 1173, 1174, 1175 and 1177 and not over Plot Nos. 1209 and 1210 as falsely alleged by the petitioners;

13. hat the Circle Officer's report further specifically found that the



allegation of the petitioners regarding construction over their raiyati land was incorrect and unsupported by actual physical verification. The report also records that the allegation regarding Plot Nos 1209 and 1210 was found to be wrong during measurement and verification conducted at the spot;

14. that the records annexed with the supplementary documents also contain sketch map and inspection reports clearly depicting the actual alignment of the road over Plot Nos. 1162, 1173, 1174 and adjoining plots. The sketch map completely demolishes the case sought to be made out by the petitioners in the writ petition;

15. that thereafter the petitioners approached the Bihar Public Grievance Redressal Authority,



Darbhanga raising the very same grievance regarding alleged encroachment upon their private land. The complaint was duly entertained and notices were issued to the concerned authorities. The District Public Grievance Redressal Authority considered the reports submitted by the Circle Officer and engineering authorities and examined the matter in accordance with law;

16. that ultimately by detailed and reasoned order dated 23,09.2025 passed by the District Public Grievance Redressal Authority, Darbhanga, the grievance of the petitioners was rejected. The authority specifically recorded that the allegation regarding construction over Plot Nos. 1209 and 1210 was found false and that the road alignment actually existed over Plot Nos. 1162,



1173, 1174, 1175 and 1177. The competent authority accepted the Circle Officer's report and held that the claim of the petitioners was incorrect;

17. that the petitioners have deliberately suppressed the aforesaid material developments and findings before this Hon'ble Court. The writ petition proceeds as if no enquiry had ever been conducted and as if no statutory authority had adjudicated the grievance of the petitioners. Such suppression of material facts disentitles the petitioners from obtaining any equitable relief under Article 226 of the Constitution of India.

(emphasis added)

5. The contention of the writ petitioners is/are that their raiyat plot nos. 1209 and 1210 have been partly used by the respondents and arguments revolved around it. However, the



counter affidavit has come and two facts have emerged from the said reply which are as follows:

(i) the land which has been used for the road alignment exist on plot nos. 1162, 1173, 1174, 1175 and 1177 and not on plot nos. 1209 and 1210 as claimed by the petitioners;

(ii) the respondents earlier took note of the petitioners' grievance addressed to the Bihar Public Grievance Redressal Authority, Darbhanga and vide an order dated 23.09.2025 found the claim to be false.

6. These facts were never brought to the notice of the Court as a result whereof on the earlier occasion, the respondents were directed to file affidavit.

7. From the aforesaid facts, it is clear that the petitioners have deliberately suppressed the findings and thus tried to mislead the Court. Now the affidavit has come which clearly demolishes the case of the petitioners and they have based their claims only on the basis of a private Amin's report hired by them.



8. Having recorded the facts of the case, in the opinion of the Court, this is a fit case which be dismissed with cost.

9. Accordingly, the writ petition is dismissed with a cost of Rs. 5,000/- imposed upon the petitioner to be deposited with Patna High Court Legal Services Committee and the receipt has to be filed in the office by 03.07.2026.

10. List this case under the heading “To Be Mentioned” on 06.07.2026 to peruse the compliance report.

(Rajiv Roy, J)

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