

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9744 of 2023

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Upendra Kumar Singh S/o Late Saryu Singh, Resident of Village -
Paigambarpur, P.S. Husainganj, District - Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Siwan.
3. The Deputy Collector Land Reform, Siwan.
4. The Circle Officer, Siwan Sadar.
5. The Nodal Officer, Mukhyamantri Gram Sadak Yojana, Siwan.
6. The Engineer-in-Chief, Rural Works Division, Bihar, Patna.
7. The Executive Engineer, Rural Works Division, Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sumit Kumar, Advocate Mr. Brajesh Kumar Singh, Advocate
For the Respondent/s	:	Mr. Raj Kishore Roy (G.P-18)

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 29-03-2024 Learned counsel for the petitioner has given undertaking that a supplementary affidavit will be filed in course of the day correcting the Khata number in the prayer portion (ii) from khata no. 746 to khata no. 643 which is the original land.

2. Heard the parties.

3. The present writ petition has been preferred for the following reliefs:-

*(i) for issuance of writ in the
nature of mandamus commanding and
directing the Respondent authorities to*



remove the road and sewerage constructed on the raiyati land of the petitioner under the Scheme of Mukhyamantri Gram Sadak Yojana without any acquisition and payment compensation to the petitioner;

(ii) for further direction to the Respondent authorities that if the road and sewerage is not being removed from the private raiyati land of the petitioner the State Respondent authorities be directed to pay compensation for utilization of the land of the petitioner for construction of road and sewerage over Khata No. 643, Plot No. 3688 situated under the village Paigambarpur, Circle Siwan Sadar, District Siwan.

4. It is the case of the petitioner that the land in question is a *raiya*ti land on which under ‘*Mukhyamantri Gram Sadak Yojna*’ sewerage/nala has been constructed without his personal consent and/or grant of compensation after acquisition of the land.

5. He has taken this Court to the letter of the Revenue employee of Siwan Sadar addressed to the Circle Officer, Siwan Sadar to show his *bona fide*.

6. Learned counsel for the State Counsel has drawn attention of this Court to paragraph 5 of the counter affidavit filed on behalf of respondent nos. 2 to 4 which read as follows.



“ that in the light of petitioner’s claim, the C.O. Siwan Sadar has got a measurement of sewearage and rasta done by Anchal Amin who has submitted his report dated 10.02.2024.”

7. To this, learned counsel for the petitioner submits that the consent is that his brother and not by him. It is his submission that in case, his land has been taken since there is no consent, he has to be compensated and/or there should be removal of the structure created on his *raiyati* land.

8. Instead of keeping the case pending, it would be appropriate that the matter is referred to the Collector, Siwan who shall get the same enquired through the appropriate Revenue Officer on the *bona fide* of the claim of the petitioner and in case, the respondent-authorities come to a conclusion that his *raiyati* land has been utilized, if the petitioner chooses not to give his consent, he has to be compensated.

9. The petitioner submits that he will be submitting an appropriate application along with the documents to prove his *bona fide* before the Collector within a period of four weeks.

10. In case the same is preferred, the Collector, Siwan shall take up the matter to its logical conclusion after proper enquiry and after hearing all the necessary parties preferably within a period of six months.



11. The writ petition stands disposed of.

(Rajiv Roy, J)

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