

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8173 of 2010

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Sheikh Anwarul Haque, S/O Sheikh Bhikhar, R/O Village Nucknowra,
P.S.- Basantpur Anchal Nabiganj, District-Siwan.

.... Petitioner/s

Versus

1. The State Of Bihar.
2. The Principal Secretary, Land Reforms and Revenue Department, Govt. of Bihar.
3. The District Magistrate cum Collector, Siwan District-Siwan.
4. The Sub Divisional Magistrate, Siwan, District-Siwan.
5. The Circle Officer cum Block Development Officer, Nabiganj, District-Siwan.
6. Rajeshwar Prasad, son of late Mahendra Sah, resident of village-Madarpur, P.O.-Kishunpura, District-Kishunpura, the Mukhiya Gram Panchayat Raj, Nucknowra Anchal Naviganj, P.S.- Basantpur, District-Siwan.
7. The Panchayat Secretary, Gram Panchayat Raj, Nucknowra Anchal Naviganj, P.S.- Basantpur, District-Siwan.
8. The Member Of Panchayat Samittee Namely Naina Kumari Gram Panchayat Raj Nucknora P.S. Basantpur District -Siwan.
9. The District Land Acquisition Officer, Siwan.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Udit Narayan Singh
For the Respondent nos.1to5&9 : Mr. Ajay Kumar Sharma, AC to PAAG
For the Respondent no.6 : Mr.B.K.Singh Chouhan

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

7 31-08-2015

Heard the parties.

The grievance of the petitioner in the present writ petition is that the parcels bearing khata no.69, plot nos.1024 and 1025, khata no.116, plot no.963 and khata no.32, plot no.983 are either the ancestral or the gifted property of the petitioner, but in his absence, the possession over the part of the aforesaid plots of land has been taken forcibly for construction of a public road in the village in question.

Learned counsel appearing on behalf of the petitioner

submits that, in absence of any acquisition proceeding started by the competent authority under the provisions of the Land Acquisition Act, the action of the respondents cannot be justified. It is also submitted that, if the State of Bihar and/or its functionaries want to take possession over the lands belonging to the petitioner, then he must be paid adequate compensation for the area acquired for the said purpose.

The matter has been contested by the respondents by filing a counter affidavit on behalf of the respondent nos.3 to 5 & 9, wherein it has been pleaded that the construction work has already been stopped and the allegation of taking possession over the lands belonging to the petitioner is being disputed.

In the given facts of this case, this Court is of the opinion that interest of justice shall be sub-served, if the petitioner is granted liberty to file a comprehensive representation with all supporting documents before the respondent District Collector, Siwan (respondent no.3), raising all the pleas, which have been raised in the present writ petition. It is ordered accordingly.

If such a comprehensive representation is filed on behalf of the petitioner within a period of six weeks from today with a certified copy of the present order, then the respondent District Collector, Siwan either himself or through any competent officer including the District Land Acquisition Officer, Siwan shall get the matter enquired into. On enquiry, if it is found that the possession over the lands belonging to the petitioner has forcibly been taken for the construction of public road, then steps shall be taken for redressal of the valid grievances of the petitioner either by way of giving vacant possession over the lands in question or by giving adequate compensation.

In case, the respondent District Collector, Siwan or any other competent authority, on transfer made by the District Collector, Siwan, comes to a conclusion that the claims raised on behalf of the petitioner are not admissible to him, then the representation filed on his behalf shall be disposed of by a reasoned and speaking order. The entire exercise must be completed at an early date preferably within a period of three months from the date of filing of the representation by the petitioner. However, before passing any final order, the reasonable opportunity of hearing shall be given to all concerned.

The writ petition stands finally disposed of with the observations and directions made above

(Birendra Prasad Verma, J)

Arvind/-

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