

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21203 of 2013

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Rajendra Sahani @ Rajend Sahani S/O Late Jhapasi Sahani, R/O Village -
Morsandi, P.S. Motipur, District - Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar , through the Principal Secretary, Revenue and Land Reform Department, Government of Bihar, Patna
2. The Director, Revenue and Land Reform Department, Old Secretariat, Government of Bihar, Patna
3. The Collector, Muzaffarpur
4. The Additional Collector, Muzaffarpur
5. The District Land Acquisition Officer, Muzaffarpur
6. The Special Land Acquisition Officer, Muzaffarpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jai Prakash Verma

For the Respondent/s : Mr. Vikas Kumar, AC to AG

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 17-12-2015

Heard the parties.

The grievance of the petitioner is that for the lands acquired by the State of Bihar and its functionaries though he has been paid compensation by treating the land in question as agricultural, but the nature of the said land is 'Bhith' and therefore, he is entitled for higher amount of compensation.

The learned counsel appearing on behalf of the petitioner submits that, for redressal of his valid grievances, the petitioner filed his representation before the respondent District Land Acquisition Officer, Muzaffarpur, but his grievances have not been redressed.

The matter has been contested by the learned State counsel by filing a counter-affidavit on behalf of the respondent no. 3 to 6. In paragraph-11 of the aforesaid counter-affidavit it has been asserted that the petitioner had voluntarily accepted the compensation amount and had filed an affidavit that the lands in

question is agricultural land. It has further been asserted that the claim raised on behalf of the petitioner for payment of higher amount of compensation was considered by the respondent District Land Acquisition Officer and was rejected by order dated 06.12.2013, which has been brought on record as Annexure-D to the aforesaid counter-affidavit. According to the learned State counsel, the claim raised on behalf of the petitioner is misconceived and the writ petition is liable to be dismissed.

On examination of the record, this Court finds that the copy of the aforesaid counter-affidavit was served upon the learned counsel appearing on behalf of the petitioner way back on 28.01.2014 and since then almost two years have elapsed, but neither any rejoinder affidavit has been filed on behalf of the petitioner nor any petition seeking amendment has been filed till date.

In view of the fact that the petitioner had voluntarily accepted the amount of compensation as also the extra amount of solatium, this Court does not find any good ground to issue any direction to the respondents for consideration of his claim for payment of higher amount of compensation. The issues, which have attained its finality, cannot be revived at this late stage.

This writ petition is devoid of merit and is, accordingly, dismissed, but without costs.

(Birendra Prasad Verma, J)

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