

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21942 of 2012

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Md. Mazrool, Son Of Late Md. Junab, Resident Of Village - Ward No. 6,
P.O. & P.S - Mehsol, District - Sitamarhi

.... Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate Sitamarhi
3. The Land Acquisition Officer, Sitamarhi
4. The Land Acquisition Officer, Bagamati Sub-Division, Muzaffarpur
5. The Special Land Acquisition Officer, Gandak Project, Muzaffarpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Sinha, Adv.
For the Respondent/s : Mr. Anil Kumar Sinha, GA-9
Mr.Shakib Ayaz, AC to GA-9

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

8 15-12-2015

Heard the parties.

The claim raised on behalf of the petitioner in the present writ petition is based on purely disputed questions of facts in view of the averments made in the counter affidavit filed on behalf of the respondent nos.4 and 5. In above view of the matter, on the request of the learned counsel appearing on behalf of the petitioner, the matter was adjourned on 14.10.2015 enabling him to file a rejoinder to the averments made in the aforesaid counter affidavit. Despite the aforesaid indulgence granted by this Court as also direction issued therein, no rejoinder affidavit has been filed on behalf of the petitioner disputing the assertion of the respondents that the land of the petitioner was never acquired; therefore, he is not entitled for any compensation.

In view of the fact that the claim is based on disputed questions of facts, which cannot be gone into in a proceeding filed under Article 226 of the Constitution of India, the present writ

petition is dismissed. However, the petitioner, if so advised, shall be at liberty to approach the appropriate forum/court for grant of appropriate relief(s).

(Birendra Prasad Verma, J)

Arvind/-

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