

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19606 of 2014

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Harishchandra Paswan son of Jholi Paswan, resident of Village-Mithauli,
P.S-Rahika, District-Madhubani

.... Petitioner/s

Versus

1. The State of Bihar
 2. The Principal Secretary, Land Revenue and Reforms Department,
Government of Bihar, Patna
 3. The Principal Secretary, Water Resources Department,
Govt. of Bihar, Patna
 4. The Special Director, Land Acquisition, Bihar, Patna
 5. The Collector, Madhubani, District-Madhubani
 6. The Special, Land Acquisition Officer, Darbhanga.
 7. The Executive Engineer, West Koshi Canal Division, Darbhanga
- Respondent/s
- =====

Appearance :

For the Petitioner/s : Mr. Deo Narain Yadav, Advocate
For the Respondent/s : Mr. Krishna Chandra, AC to AG

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 08-09-2015

Heard the parties.

The grievance of the petitioner in the present writ petition filed under Article 226 of the Constitution of India is that though a parcel of land bearing Khata No. 508, plot no. 647, area 13 decimals situate at Mauza Jagatpur in the district of Madhubani was settled in favour of the petitioner by the competent authority of the respondent-State and thereafter he was coming in possession over the same but, subsequently, the aforesaid land was acquired by the respondent-State for the purposes of construction of a canal, yet till date, no amount of compensation has been paid to him.

Learned AC to learned Advocate General, appearing on behalf of the respondents, submits that initially the land in question was found to have been recorded in the revenue record as



Anabad Bihar Sarkar and was, therefore, treated to be the land of the State of Bihar, and so the question of payment of compensation did not arise. However, subsequently, on enquiry, it was found that the land in question was settled and was belonging to the petitioner, but payment of compensation could not be made. He further contends that in the aforesaid background, the matter is being enquired into and if the petitioner approaches the competent authority, in that case, his grievances shall be redressed without any unnecessary delay.

In view of the nature of grievances/claims raised with regard to land in question on behalf of the petitioner in the present writ petition, this Court is of the considered opinion that the interest of justice shall be subserved if the petitioner is granted liberty to file a comprehensive representation before the District Collector, Madhubani (respondent no.5) with all supporting documents, 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 four weeks from today with a certified copy of the present order, then the District Collector, Madhubani either himself or any other competent authority of the respondent State shall be obliged to consider and decide the claim of the petitioner by a reasoned and speaking order at an early date preferably within a period of three months from the date of filing of such representation by the petitioner.

If on consideration of the materials, the competent authority comes to a conclusion that the claims raised in behalf petitioner with respect to land in question are admissible to him, then consequential order shall also be issued for grant of such

admissible claims to the petitioner without any unnecessary further delay.

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

(Birendra Prasad Verma, J)

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