

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1881 of 2011

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Gangotri Devi wife of Banshlochan Prasad, Village - Bihia, Saheb Tola,
Ward No. 2, P.S. - Behia, District - Bhojpur

.... Petitioner/s

Versus

1. The State of Bihar
2. The D.M. Bhojpur, Ara
3. The M.D., Bihar Industrial Area Development Authority, Bihar, Patna
4. The District Land Acquisition Officer, Bhojpur, Ara
5. The Circle Officer, Behia, Bhojpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh, Advocate
For the Respondent Nos.1, 2, 4 & 5 : Mr. Ajay Kr. Sharma, AC to PAAG
For the Respondent No.3 : Mr. Kumar Priya Ranjan, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

5 18-12-2015

When the matter has been taken up for consideration, two sets of counter affidavits and one reply to the supplementary affidavit are being filed by the learned State counsel on behalf of the respondent Nos. 2, 4 and 5, which are taken on record.

Since the aforesaid counter affidavit (s) were not filed within the time prescribed by the order dated 15.09.2015 passed by this Bench, Sri Sanjiv Kumar Singh, the District Land Acquisition Officer, Bhojpur at Ara is in appearance in person. The aforesaid order dated 15.09.2015 has, now, been complied with; therefore, personal appearance of the District Land Acquisition Officer, Bhojpur at Ara is henceforth dispensed with.

The petitioner has filed the present writ petition seeking a direction to the respondents restraining them from acquiring a plot of land bearing Khata No. 375 appertaining to Khesra No. 2076. area 01 (one) Katha situate at village Jaz Hata, in the district of Bhojpur, which she claims to have purchased through a registered sale deed dated 07.04.1985.

In the counter affidavit filed on behalf of the respondent nos. 2, 4 and 5, it has been specifically stated that the land in question belonging to the petitioner has neither been acquired by the State authority nor there is any proposal for acquisition of that land. In paragraph 9 of the aforesaid counter affidavit, it has further been asserted that the apprehension of the petitioner for acquisition of her land is quite imaginary.

In view of the averments made in the aforesaid counter affidavit, particularly, in paragraphs 4, 5 and 9, this Court is of the opinion that the present writ petition has become infructuous. It is, accordingly, dismissed, but without costs.

(Birendra Prasad Verma, J)

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