

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7756 of 2012

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Sunil Rajak, Son of Late Bholi Rajak, Resident of Village Nagari, P.S.
Chakai, District Jamui

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Revenue and Land Reform Department, Government of Bihar, Patna
2. The District Magistrate, Jamui
3. The District Land Acquisition Officer, Jamui
4. The Circle Officer Chakai Block, District Jamui

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shivendra Kumar Sinha

For the Respondent/s : Mr. Girija Shankar Prasad, GP-1

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 28-09-2015

Heard the parties.

The grievance of the petitioner in the present writ petition is that over his khatiyani lands bearing khata no.63, khesra no.1090 situate at Village-Nagari; Block-Chakai, District-Jamui possession has been taken by the authorities of the State Government for construction of a go-down, but neither any land acquisition proceeding was started for the said purpose nor any amount of compensation has been paid to him.

Learned counsel appearing on behalf of the petitioner submits that the impugned action of the respondents in taking forcible possession over the lands belonging to the petitioner and construction of go-down over the same is illegal and cannot be sustained in law. According to him, if the State Government, at all, wanted to acquire the land in question, then a land acquisition proceeding was required to be initiated, and after final order(s) adequate compensation was required to be paid to the petitioner, but that has not been done in the present case. He further pointed

out that in the counter affidavit filed on behalf of the respondent nos.2 and 4 it has been admitted in paragraph 6 that 2¼ decimals of land belonging to the petitioner has been amalgamated with the other lands over which the construction has been made.

Learned State counsel appearing on behalf of the respondents has contested the matter and, by referring to the averments made in the counter affidavit, submitted that only 2¼ decimals of land belonging to the petitioner has been amalgamated with the other lands for the purposes of construction of go-down. He further pointed out that the compensation payable to the petitioner has been assessed to be Rs.24,750/- and the steps are being taken for payment of the aforesaid amount of compensation, but he conceded that the amount of compensation has not been paid to the petitioner till date.

By way of reply, learned counsel appearing on behalf of the petitioner submits that the stand of the respondents that only 2¼ decimals of land has been amalgamated is not correct, rather larger area of land of the petitioner has been amalgamated with the other lands for the purposes of construction of a go-down.

After having heard the parties, this Court is of the opinion that the matter requires a detailed consideration by the District Collector, Jamui. Measurement of the land belonging to the petitioner is required to be taken in presence of the petitioner by the competent authority of the State and for the area of lands belonging to the petitioner over which go-down has been constructed adequate amount of compensation is required to be paid to the petitioner.

In above view of the matter, the petitioner is directed to appear before the District Collector, Jamui with a

comprehensive representation with all supporting documents in support of his claims, raising all the pleas, which have been raised in the present proceeding. If the petitioner appears before the District Collector, Jamui within a period of four weeks from today with a certified copy of the present order, then the District Collector, Jamui shall be obliged to consider and decide the claim(s) of the petitioner by a reasoned and speaking order, after giving an opportunity of hearing to all concerned including the petitioner, at an early date preferably within a period of three months from the date of filing of such representation by the petitioner. While passing the order, the District Collector, Jamui shall further be obliged to take into consideration the averments/admission made in the counter affidavit filed on his behalf as also on behalf of the respondent Circle Officer in the present proceeding.

If on consideration of the materials, the District Collector, Jamui comes to a conclusion that the claims raised on behalf of the petitioner are admissible to him, then consequential steps shall also be taken for grant of such admissible claims and for redressal of his valid grievances without any unnecessary further delay.

It is clarified that, if the lands in question are required to be re-measured, then the same shall be re-measured in presence of the petitioner.

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

Arvind/-

(Birendra Prasad Verma, J)

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