

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12322 of 2015

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1. Vishwanath Prasad

2. Baijnath Prasad

Both petitioner no. 1 and 2 are sons of Late Rameshwar Prasad, resident of village- Silaunja, P.O. Basarhi P.S. Bodh Gaya, District Gaya

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Road Construction Department, Government of Bihar, Patna

2. The District Magistrate, Gaya

3. The District Land Acquisition Officer, Gaya

4. The Circle Officer, Bodh Gaya, Gaya

5. The Executive Engineer, Road Construction Division-1, Gaya

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shailesh Kumar

For the Respondent/s : Mr. Pramod Kumar Sinha, AC to AAG-2

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 03-09-2015

Heard the parties.

The grievance of the petitioners in the present writ petition is that a plot of land belonging to them bearing khata no.189, khesra no.76 situate at Mauza Shilaunja, P.S.-Bodh Gaya, District-Gaya has been acquired by the respondent State of Bihar and its functionaries and construction of road over the same has been made, but neither any land acquisition proceeding was started for acquisition of the land of the petitioners nor any amount of compensation has been paid to them.

Learned counsel appearing on behalf of the petitioners submits that for redressal of their valid grievances the petitioners filed their representation before the respondent District Collector, Gaya, but till date their valid grievances have not been redressed. According to him, the respondents are obliged to pay compensation to the petitioners for the land so acquired by them

under the relevant law otherwise they are required to give vacant possession to the petitioners on the said plot of land.

In view of the nature of grievances raised on behalf of the petitioners in the present writ petition, this Court is of the opinion that, instead of keeping the matter pending before this Court for deciding all the questions of facts, interest of justice shall be sub-served, if the petitioners are granted liberty to file a comprehensive representation with all supporting documents before the respondent District Collector-cum-Magistrate, Gaya with respect to the lands in question, raising all the pleas, which have been raised in the present writ petition. It is ordered accordingly.

If such a comprehensive representation is filed by the petitioners within a period of four weeks from today with a certified copy of the present order, then the respondent District Collector, Gaya either himself or any other competent authority of the respondent State including the District Land Acquisition Officer, Gaya shall be obliged to consider and decide the claims raised on behalf of the petitioners strictly in accordance with law by a reasoned and speaking order, after giving an opportunity of hearing to all concerned and after considering all the materials produced by the petitioners, at an early date, preferably within a period of two months from the date of filing of such comprehensive representation by the petitioners.

If on consideration of the materials, the respondent District Collector, Gaya or any other competent authority of the respondent State comes to a conclusion that the claims raised on behalf of the petitioners are admissible to them, then the consequential orders shall also be issued for grant of such

admissible claims without any unnecessary further delay.

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

(Birendra Prasad Verma, J)

Arvind/-

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