

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12255 of 2015

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1. Sheikh Kausar

2. Sheikh Bachu

Both are S/o Late Sheikh Basir, Resident of Village / Mohalla Pirpainti Bazar, P.S. Pirpainti, District Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat, Patna.

2. The District Magistrate cum Collector, Bhagalpur.

3. The District Land Acquisition Officer, Bhagalpur.

4. The Circle Officer (Anchal Adhikari) Pirpainti, District Bhagalpur.

5. Sheikh Israil, S/o Late Sheikh Ibrar

6. Sheikh Gulzar, S/o Late Sheikh Ibrar

7. Sheikh Izhar, S/o Late Sheikh Ibrar

Sl. No. 5 to 8 are Resident of Village /Mohalla Pirpainti Bazar, P.S. Pirpainti, District Bhagalpur.

8. Goyathi, D/o Late Sheikh Nabi and W/o Sheikh Ilyas, Resident of Village Kodarjana, P.S. Sahebganj, District Sahebganj (Jharkhand).

9. Nawazan, D/o Late Md. Tohid and W/o Sagir, Resident of Village Kurma, P.O. Channo, P.S. Rasalpur, District Bhagalpur.

10. Bibi Sahukan, W/o Sk. Istiyak, Resident of Village Pirpainti Bazar, P.S. Pirpainti, District Bhagalpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dharendra Nath Jha

Mr.Chandra Shekhar Sharma

For the Respondent nos.1to4 : Mr. Krishna Chandra, AC to AG

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 10-09-2015

Heard the parties.

The grievance of the petitioners in the present writ petition is that, though an award under Section 11 of The Land Acquisition Act, 1894 (in short 'Act 1894'), as contained in Annexure-2 to the writ petition, has been prepared in favour of the respondent no.10, but the respondent no.10 was not the legal owner of all the plots of land for which the aforesaid award has been prepared. According to the learned counsel appearing on behalf of the petitioners, certain area of land belonging to the petitioners has also been included in that award and for that the

petitioners are entitled to receive compensation. He further submitted that for redressal of their valid grievances, the petitioners filed different applications/representations before the respondent District Land Acquisition Officer, Bhagalpur, but valid grievances of the petitioners have not been redressed till date.

Though the counter affidavit has not been filed on behalf of the respondents, as the writ petition was filed recently on 10th August, 2015, but learned AC to AG appearing on behalf of the respondent nos.1 to 4 has rightly submitted that for redressal of their valid grievances, the petitioners may either approach the Collector under the Act, 1894 for reference of the matter in terms of Section 30 of the Act, 1894 or they may await the decision in Title Suit No.403 of 2013, which they have filed and is pending before the learned Sub-Judge-1st, Bhagalpur.

In the facts and circumstances of the case, this Court is of the opinion that instead of keeping the matter pending, interest of justice shall be sub-served if the petitioners are granted liberty to approach the respondent no.3 once again for redressal of their valid grievances. It is ordered accordingly.

If the petitioners file an appropriate petition before the respondent District Land Acquisition Officer, Bhagalpur for redressal of their grievances including for reference of the case under Section 30 of the Act, 1894 within a period of four weeks from today with a certified copy of the present order, then the respondent District Land Acquisition Officer, Bhagalpur either himself or any other competent authority of the respondent State shall be obliged to consider their claims and shall pass appropriate order on the petition filed on behalf of the petitioners strictly in accordance with law.

The writ petition stands finally disposed of with the

observations and directions made above.

Arvind/-

(Birendra Prasad Verma, J)

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