

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10575 of 2008

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Upendra Narayan Singh son of Late Surendra Narayan Singh of Village
Haradia, Milki, P.S. Singhia, District Samastipur

.... Petitioner/s

Versus

1. The State of Bihar through the Collector, Samastipur
2. The Subdivisional Officer, Rosera, Samastipur
3. The B.D.O. Singhia, District Samastipur
4. The Mukhia Mauza Dhanha, P.S.Sindhia, Gram Panchayat Rajmahra,
Village Dhanha, Distt.Samastipur

.... Respondent/s

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Appearance :

For the Petitioner/s : None

For the Respondent/s : Mr. Udai Shankar Singh, AC to GA 2

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

4 28-04-2015

Despite repeated calls, none appears on behalf of the petitioner in support of the present writ petition. However, learned counsel appearing on behalf of the State is present, but he has not filed any counter affidavit despite order dated 28.07.2011 passed by a Bench of this Court.

2. In view of the nature of claims raised on behalf of the petitioner fully detailed in paragraph 1 of the present writ petition, this Court is of the opinion that in stead of keeping the matter pending any longer awaiting the counter affidavit from the respondents, the interest of justice shall be subserved if the petitioner is granted liberty to file a comprehensive representation before the respondent District Collector, Samastipur with all supporting documents in support of his claims, raising all the pleas which have been raised in the present writ petition. It is ordered accordingly.

3. 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 respondent District Magistrate, Samastipur shall be obliged to consider and decide the claims 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.

4. If on consideration of the materials and after giving an opportunity of hearing to all concerned, the respondent District Magistrate, Samastipur comes to a conclusion that the claims raised in behalf petitioner are admissible to him, then consequential orders shall also be issued for grant of such admissible claims without any unnecessary further delay.

5. It is clarified that this Court has not gone into the merits of the claims raised on behalf of the petitioner and it is left to be decided by the respondent District Magistrate strictly in accordance with law.

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

(Birendra Prasad Verma, J)

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