

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7150 of 2014

With

Interlocutory Application No.4919 of 2016

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Vidaya Sah, Wife of Mahendra Prasad Sah, Resident of Village- Simarahi Bazar, P.S- Raghopur, District- Supaul.

.... Petitioner/s

Versus

1. The Union of India through Secretary, N.H.Division Department, Govt. of India, New Delhi (N.H.9)
2. The Project Director N.A.H.I, Araria.
3. The State of Bihar
4. The Collector, Supaul.
5. The District Land Acquisition Officer, Supaul.
6. The Arbitrator- Cum- Additional Collector, Supaul, District.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mani Bhushan Kumar, Adv.
For the Respondent no.2 : Mr. S.N.Pathak, Adv.
For the Respondent no.3to5 : Mr.R.K.Roy, GP-18

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 17-08-2016

Heard the parties.

This matter was heard earlier on 04.07.2016 and the following order was passed:-

“After having heard the learned counsel appearing on behalf of the petitioner for sometime, this Court finds that the material facts with regard to initiation of land acquisition case and preparation of the award for the land in question have not been stated. The relevant notification has also not been brought on the record.

In that view of the matter, the reliefs sought for on behalf of the petitioner cannot be gone into. At this stage, he prays for an adjournment enabling him to file a supplementary affidavit bringing on record all the relevant materials/ documents, so that the matter is effectively decided by this Court.

Let the petitioner file a supplementary

affidavit within a period of four weeks and list this matter thereafter in usual course.”

Despite the aforesaid direction and indulgence granted by this Court, no supplementary affidavit has been filed on behalf of the petitioner.

The learned counsel appearing on behalf of the petitioner has fairly conceded that, despite all his efforts, the supplementary affidavit could not be filed on behalf of the petitioner.

The learned GP-18 appearing on behalf of the State of Bihar and its functionaries, by referring to the averments made in paragraph 33 of the counter affidavit filed on behalf of the respondent nos.4 to 6, submits that the present writ petition is 4th attempt of the writ petitioner and the matter is still sub-judice before the learned Sub-Judge-1st, Supaul.

In above view of the matter and particularly in absence of the material facts with regard to initiation of land acquisition case and preparation of the award the issues raised herein cannot be gone into in the present proceeding filed under Article 226 of the Constitution of India.

Accordingly, the writ petition has to fail and is dismissed. I.A.No.4919 of 2016 is, accordingly, disposed of.

However, this shall not come in the way of the petitioner in prosecuting her claim in the pending case before the Civil Court at Supaul.

Arvind/-

(Birendra Prasad Verma, J)

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