

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.46 of 2012

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1. Baidya Nath Jha Son of Late Fani Nath Jha, Resident of Village-Rupauli, Chiatol, P.S. Bhairo Asthan, District-Madhubani at Present Mohalla Raj Kumar Ganj, P.O. Lal Bagh, P.S. Town Darbhanga, Dist.-Darbhanga
 2. Shambhu Nath Jha Son of Late Fani Nath Jha, Resident of Village-Rupauli, Chiatol, P.S. Bhairo Asthan, District-Madhubani at Present Mohalla Raj Kumar Ganj, P.O. Lal Bagh, P.S. Town Darbhanga, Dist.-Darbhanga
 3. Abhai Nath Jha Son Of Late Indunath Jha, Resident of Village Rupauli, P.S. Bhairo Asthan, District-Madhubani at Present Mohalla Raj Kumar Ganj, P.O. Lal Ganj, P.S. Town Darbhanga, Dist.-Darbhanga
 4. Adityanath Jha Son of Late Indunath Jha, Resident of Village Rupauli, P.S. Bhairo Asthan, District-Madhubani at Present Mohalla Raj Kumar Ganj, P.O. Lal Ganj, P.S. Town Darbhanga, Dist.-Darbhanga

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate Cum Collector, District Madhubani
3. The District Land Acquisition Officer, Madhubani, District-Madhubani.
4. The Special Land Acquisition Officer, Koshi Project Sakari, District Madhubani
5. The Circle Officer, Jhanjharpur, District Madhubani

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vivekanand Kumar

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

4 21-01-2016

Heard the parties.

The grievance of the petitioners in the present writ petition is that the lands, detailed in paragraph-17 of the writ petition, belong to them, yet without initiating any land acquisition proceeding under specified law, and without payment of any compensation possession over the same has been taken by the State authorities for the purposes of construction of western Kosi Sub Canal. The petitioners have also prayed for issuance of a direction to the respondent authorities for payment of statutory interest and other admissible dues for the lands in question over

which possession has been taken by the State authorities.

Learned counsel appearing on behalf of the petitioners submits that the lands in question were purchased by the ancestors of the petitioners through registered sale deed and thereafter they have been paying rent to the ex-landlord as also the State of Bihar. It is next contended that even in the land ceiling case started against the petitioners and their other family members, all these lands were allowed to be retained by them within their permissible ceiling area, yet neither any land acquisition proceeding was started for the lands in question nor any amount of compensation has been paid to them. It is further contended that for redressal of their valid grievances, the petitioners approached the authorities concerned, but neither their grievances have been redressed nor the representations filed by them have been disposed of. However, despite repeated query, the learned counsel appearing on behalf of the petitioners have not been able to show any copy of the representation, so filed by them.

Though this writ petition was filed way back on 02.01.2012, but despite passage of more than four years counter-affidavit has not been filed on behalf of the respondent State and its functionaries.

In above view of the matter, this Court is of the opinion that instead of keeping the matter pending, awaiting counter-affidavit from the respondents, the interest of justice shall be subserved if the petitioners are granted liberty to file a fresh comprehensive representation with all supporting documents before the respondent District Collector-cum- District Magistrate, Madhubani, raising all the pleas, which have been raised in the present proceeding. It is ordered accordingly.

If such a comprehensive representation is filed on behalf of the petitioners within a period of one month from today with a certified copy of the present order, then the respondent District Collector-cum-District Magistrate, Madhubani, shall be obliged to consider and decide the claims of the petitioners, after giving an opportunity of hearing to all concerned including the petitioners, by a reasoned and speaking order at an early date preferably within a period of two months from the date of filing of such representation.

If on consideration of the materials the respondent District Collector-cum-District Magistrate, Madhubani comes to a conclusion that claims raised on behalf of the petitioners are admissible to them, then consequential order shall also be issued for grant of such admissible claims without any unnecessary further delay.

The parties shall be at liberty to raise all the issues of facts and law, which may be available to them with respect to the lands in question before the respondent District Collector-cum-District Magistrate, Madhubani.

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

(Birendra Prasad Verma, J)

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