

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18333 of 2015

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Sanjeet Kumar Sharma @ Sanjeet Maharaj son of Late Umanath Sharma @ Umanath Maharaj, resident of village - Ismailpur, Post Office and Police Station - Doriganj, District - Saran at Chapra

.... Petitioner/s

Versus

1. The Union of India, through the Secretary, Ministry of Road Transport and National Highways, Government of India, New Delhi
2. The Deputy Secretary, Ministry of Road Transport and National Highways, Government of India, New Delhi
3. The General Manager, National Highways Authority of India, Government of India, G - 5 and 6, Section 10, Dwarika, New Delhi - 1100075
4. The National Highways, through its Project Director of NH - 19, Saran at Chapra
5. The Competent Authority - Cum - District Land Acquisition officer, Saran
6. Ranjeet Kumar Sharma @ Ranjeet Maharaj son of Late Umanath Sharma @ Umanath Maharaj, resident of village - Ismailpur, Post Office and Police Station - Doriganj, District - Saran at Chapra, at present residing at Flat No. 20, Ganga Kanto Bhaduri, Street Bally, Post Office and Police Station Bally, District - Hawarah (West Bengal)
7. Manjeet Kumar Sharma @ Manjeet Maharaj Son of Late Umanath Sharma @ Umanath Maharaj Resident of village - Ismailpur, Post Office and Police Station - Doriganj, District - Saran at Chapra at present residing at House No. 166, G.T. Road, Ashish Apartment, 4th Floor, Badamtalla, Bali, Hawrah, West Bengal
8. Laxmi Sharma @ Laxmi Devi wife of Sri Prashant Sharma Resident of village - Birahparla, Police Station Revilganj, District - Saran at Chapra, at Present residing at House No. 166, G.T. Road, Ashish Apartment, 4th Floor, Badamtalla, Bali, Hawrah, West Bengal
9. Champa Kunwar wife of Late Umanath Sharma @ Umanath Maharaj Resident of village - Ismailganj, Post Office and Police Station Doriganj, District - Saran at Chapra

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Sharma, Advocate
Mr. Anil Kumar Choudhary, Advocate
For the Respondent Nos. 1 to 4: Mr.Anshay Bahadur Malthur, Advocate
For the Respondent No.5 : Mr. G.P.Ojha, GP 22

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 12-04-2016

Heard the parties.

2. The grievance of the petitioner in the present writ



petition filed under Article 226 of the Constitution of India is that for redressal of his valid grievances, the petitioner filed a representation on 19.09.2015 (Annexure-15) before the respondent District Land Acquisition Officer, Saran, Chapra, but till date neither his valid grievances have been redressed nor representation filed by him has finally been disposed of. Further grievance of the petitioner is that though award was prepared in the joint name of the petitioner and his brothers for acquisition of the lands in question, but entire amount has been paid to the respondent no.6 alone.

3. In view of the nature of the grievances raised in the present writ petition, this Court is of the opinion that, instead of keeping the matter pending before this Court calling upon the respondents to file their counter affidavit (s), the interest of justice shall be subserved if the petitioner is granted liberty to file a fresh comprehensive representation with all supporting documents raising all the pleas, which have been raised in the present writ petition, before the respondent District Land Acquisition Officer, Saran, Chapra. It is ordered accordingly.

4. If such a fresh comprehensive representation is filed on behalf of the petitioner within a period of one month from today with a certified copy of the present order, then the learned District Land Acquisition Officer, Saran, Chapra either himself or any other competent authority shall be obliged to consider and decide the claims of the petitioner by a reasoned and speaking order, after giving an opportunity of hearing to all concerned including the petitioner and the respondent nos. 6 to 9, besides others, if any, at an early date preferably within a period of three months from the date of filing of such representation.

5. If on consideration of the materials, the competent

authority comes to a conclusion that the claims raised on behalf of the petitioner are admissible to him, then consequential orders for grant of such admissible claims shall be issued without any unnecessary further delay.

6. It is clarified that this Court has not gone into the merits of the claims raised on behalf of the petitioner and this is left to be decided by the competent authority strictly in accordance with law.

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

(Birendra Prasad Verma, J)

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