

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19166 of 2013

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1. Butan Singh S/O Late Ramnandan Singh R/O Village Banarpur, P.S. and Dist. Buxar
2. Ramashraya Singh son of Late Nand Kishore Singh R/O Village Banarpur, P.S. and Dist. Buxar

.... Petitioner/s

Versus

1. The State of Bihar
2. District Magistrate, Buxar
3. Additional Collector, Buxar
4. S.D.O. Buxar
5. Sri Dhirendra Paswan, the then Land Acquisition Officer, Buxar
6. The Land Acquisition Officer, Buxar
7. Anchal Adhikari, Buxar
8. Mukhia, Gram Panchayat Raj Banarpur, P.S. and Distt. Buxar
9. Hirdal Narain Singh son of Sukhnandan Singh R/O Village Bhitihara, P.O. Kukurha, P.S. Itarhi, Dist. Buxar
10. Sanjharo Devi alleged D/O Late Phoolchand Singh W/O Sukhnandan Singh R/O Village Bhitihara, P.O. Kukurha, P.S. Itarhi, Dist. Buxar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mahesh Prasad No.2, Advocate
Mr. Rewti Kant Raman, Advocate
Mr. Ajay Pathak, Advocate

For the Respondent Nos. 1 to 4 & 6 to 7 : Mr. Krishna Chandra, AC to AG

For the Respondent Nos. 9 & 10 : Mr. K.N. Chaubey, Sr. Advocate
Mr. Ambuj Nayan Chaubey, Advocate
Mr. Gopal Swaroop Dubey, Advocate
Mr. Yogendra Kumar Diwedi, Advocate
Mr. A.K. Garg, Advocate
Mr. Akhilesh Kumar Pandey, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL JUDGMENT
Date: 28-03-2016

Heard the learned counsel appearing on behalf of the petitioners, the learned AC to AG, appearing on behalf of the respondent nos. 1 to 4, 6 and 7 as also the learned senior counsel appearing on behalf of the respondent nos. 9 and 10.

2. The petitioners have filed the present writ petition under Article 226 of the Constitution of India seeking a direction to the official respondents for taking appropriate steps for recovery of the award amount, already paid to the respondent nos. 9 and 10, which

was determined for the purposes of acquisition of lands in question, mentioned in the writ petition.

3. The learned counsel appearing on behalf of the petitioners submits that earlier claims raised on behalf of the respondent nos. 9 and 10 for payment of compensation amount for acquisition of the lands in question was rejected by the respondent District Land Acquisition Officer, Buxar by order dated 22.06.2012, as contained in Annexure-2 to the writ petition, but subsequently, on certain extraneous consideration and for the reasons best known to the successor District Land Acquisition Officer, Buxar, the aforesaid amount was released in favour of the respondent nos. 9 and 10 by order dated 08.04.2013. However, the order dated 08.04.2013 passed by the respondent District Land Acquisition Officer, Buxar has not been brought on the record, either by the writ petitioners or by the respondents.

4. This matter was heard earlier and notices were issued to the private respondents. The learned State counsel was also directed to file counter affidavit on behalf of the official respondents. In compliance of the aforesaid order, a counter affidavit has been filed on behalf of the respondent no.2, wherein it has been stated that in view of certain irregularities committed by the then District Land Acquisition Officer, Buxar, the respondent District Collector, Buxar has issued a direction for re-opening of the entire matter and for taking appropriate follow up action. The learned State counsel, by referring to Annexure-B to the aforesaid counter affidavit, submits that, in fact, the order has already been passed on 29.09.2014 directing the respondent nos. 9 and 10 to deposit Rs.20,48,382.00 within fifteen days. However, he has not been able to inform the Court that despite the aforesaid order dated 29.09.2014, the money has already been deposited by the respondent nos. 9 and 10. At this stage, the learned counsel appearing on behalf of the petitioners submits that, in fact, the

order dated 29.09.2014 has not been implemented till date.

5. The learned senior counsel appearing on behalf of ;the respondent nos. 9 and 10 submits that the matter may be directed to be examined afresh by the District Collector and appropriate order may be passed by him.

6. In above factual matrices of the case, the petitioners are hereby directed to appear before the respondent District Collector/Magistrate, Buxar within a period of one month from today with a certified copy of the present order as also with a comprehensive representation raising all the pleas, which have been raised in the present writ petition. If the petitioners appear before the respondent District Collector, Buxar in the manner and within the time indicated above, the respondent District Collector, Buxar shall be obliged to consider their claims as also the order dated 29.09.2014 (Annexure-B to the counter affidavit) and shall pass an appropriate final order at an early date preferably within a period of three months from the date of appearance of the petitioners. However, before passing any final order, opportunity of hearing must be given to all concerned including the petitioners and the respondent nos. 9 and 10.

7. The respondent nos. 9 and 10 are also directed to appear before the District Collector, Buxar within the aforesaid period of one month along with their relevant documents in support of their claims, whereafter the respondent District Collector shall proceed to decide the matter in accordance with law.

8. The writ petition stands finally disposed of with the observations and directions made above. However, the parties are left to bear their own costs.

(Birendra Prasad Verma, J)

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