

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9698 of 2013

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Chanda Devi Wife of Chandeshwar Prasad Singh, Resident of Village -
Madhaul Sani P.S. - Runnisaidpur, District - Sitamardhi at present residing
at Old Villae Manjholia in mohalla Manjholia, P.O. Khabra, P.S. Sadar,
District - Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Chief Secretary Govt. of Bihar Old Secretariat, Patna.
3. The Finance Secretary Govt. of Bihar Old Secretariat, Patna.
4. The Principal Secretary Water Resources Department of Irrigation,
Govt. of Bihar Old Secretariat, Patna.
5. The Principal Secretary Land Reforms & Revenue Govt. of Bihar Old
Secretariat, Patna.
6. The Commissioner Tirhut Commissioner at Muzaffarpur.
7. The District Magistrate / Collector District Sitamarhi at Collectorate
Sitamarhi at Dumra P.S. Dumra District - Sitamarhi.
8. The District Registrar Sitamardhi at Collectorate Sitamarhi at Dumra,
P.S. - Dumra, District - Sitamarhi.
9. The Additional Collector / Collector District Sitamarhi at Collectorate
Sitamarhi at Dumra, P.S. - Dumra, District - Sitamarhi.
10. The Deputy Collector Land Accusation Department District Sitamarhi
at Collectorate Sitamarhi at Dumra, P.S. - Dumra, District - Sitamarhi.
11. The Rehabilitation Officer Bagmati Project Sitamarhi, cum District
Land Acquisition Officer under Bagmati Project for Bagmati River
Flood prone area at Collectorate Sitamarhi at Dumra, P.S. Dumra,
District - Sitamarhi.
12. The Rehabilitation Officer Bagmati Project Sitamarhi, Cum, District
Land Acqusition Officer under Bagmati Project for Bagmati River
Flood Prone area merged in Gandak Project at Ratwara Kacchipakki,
P.S. Sadar, District - Muzaffarpur.
13. The Block Development Officer Runnisaidpur, P.S. - Runnisaidpur,
District - Sitamarhi.
14. The Block Circle Officer Runnisaidpur, P.S.- Runnisaidpur, District -
Sitamarhi.
15. The Village Halka Karmchari (Halka Karmchari No. 4), for Village -
Madhaul Sani, P.S. - Runnisaidpur, District - Sitamarhi.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mukul Kumar
Mr. Bijay Prakash Singh
For the Respondent/s : Mr. Krishna Chandra, AC to AG

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

Court since 06.05.2013, the State authorities, who are the respondents herein, have not filed their counter-affidavit in the present writ petition controverting the statements made in the writ petition, which is contrary to the provisions of The Bihar State Litigation Policy, 2011.

This matter was taken up earlier and by order dated 10.11.2015, the learned AC to AG was granted eight weeks' time for obtaining complete instructions and filing a comprehensive counter-affidavit, so that the matter is finally disposed of, if possible, at the stage of admission itself. Quite surprisingly, despite the aforesaid indulgence granted by this Court, the learned AC to AG has not been able to obtain instructions and has not filed counter-affidavit till date, though this matter is on the Board since last several days.

In view of the nature of grievances/claims raised on behalf of the petitioner in the present writ petition filed under Article 226 of the Constitution of India with respect to the lands claimed by her, fully detailed in paragraph-13 of the writ petition, and in view of the fact that the respondents have not filed their counter-affidavit, despite indulgence granted by this Court, and despite the fact that the matter has remained pending since 06.05.2013, this Court is of the opinion that instead of keeping the matter pending any longer, the interest of justice shall be subserved if the petitioner is granted liberty to file a fresh comprehensive representation before the District Collector, Sitamarhi with all supporting documents raising all the pleas, which have been raised in the present writ petition. It is ordered accordingly.

If such a 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 respondent District Magistrate-cum-Collector, Sitamarhi either himself or any other competent authority of the respondent State, as per order of the respondent District Magistrate, 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, besides others, if any, at an early date preferably within a period of three months from the date of filing of such representation by the petitioner in the manner indicated above.

If on consideration of the materials the competent authority of the respondent State comes to a conclusion that claims raised on behalf of the petitioner are admissible to her, then consequential order shall also be issued for grant of such admissible claims without any unnecessary further delay.

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

(Birendra Prasad Verma, J)

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