

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5532 of 2014

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1. Badari Urao S/O Budhan Urao, resident of Village - Gamhariya, P.S. - Manpur, P.O. - Chauhata, District - West Champaran
 2. Palat Urao S/O Bhukhal Urao, resident of Village - Gamhariya, P.S. - Manpur, P.O. - Chauhata, District - West Champaran
 3. Rupan Urao S/O Bhukhal Urao, resident of Village - Gamhariya, P.S. - Manpur, P.O. - Chauhata, District - West Champaran
 4. Munnilal Urao S/O Pahun Urao, resident of Village - Gamhariya, P.S. - Manpur, P.O. - Chauhata, District - West Champaran
 5. Bhikhu Urao S/O Budhan Urao, resident of Village - Gamhariya, P.S. - Manpur, P.O. - Chauhata, District - West Champaran
 6. Rajdeo Urao S/O Mangani Uraon, resident of Village - Gamhariya, P.S. - Manpur, P.O. - Chauhata, District - West Champaran
 7. Kanhai Urao S/O Pahun Urao, resident of Village - Gamhariya, P.S. - Manpur, P.O. - Chauhata, District - West Champaran
 8. Kamal Urao S/O Devial Urao, resident of Village - Gamhariya, P.S. - Manpur, P.O. - Chauhata, District - West Champaran

.... Petitioner/s

Versus

1. The State of Bihar through the Collector, West Champaran at Bettiah
2. The Collector, West Champaran at Bettiah
3. The Divisional Commissioner, Tirhut Division, Muzaffarpur
4. The District Land Acquisition Officer, Bettiah, West Champaran
5. The Circle Officer (The Anchal Adhikari), Mainatand Anchal, Mainatand, District - West Champaran

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate
For the Respondent/s : Mr. Krishna Chandra, AC to AG

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 28-06-2016

Heard the parties.

The petitioners have filed the present writ petition under Article 226 of the Constitution of India raising a grievance against the notices dated 27.11.2013 issued under the signature of the respondent Anchal Adhikari, Mainatand, West Champaran, as contained in Annexure-2 series, whereby they have been informed that the lands belonging to them are in the process of acquisition for construction of Indo-Nepal Border Road Project.

The learned counsel appearing on behalf of the



petitioners submits that all the petitioners are members of the Scheduled Tribes and if their lands are acquired, then they would practically become landless persons. He further submits that no notice or information was given to the petitioners for or after initiation of land acquisition proceeding with respect to the lands in question belonging to them. However, in the whole writ petition no where it has been stated that any Award has been prepared under the provisions of The Land Acquisition Act, 1894 (in short, “the Act, 1894”) for acquisition of lands in question.

The learned AC to AG, appearing on behalf of the respondents, by referring to the averments made in the counter affidavit filed on behalf of the respondent nos. 2,4 and 5, submits that the apprehension of the petitioners about acquisition of their lands are completely misplaced. According to him, though land acquisition proceeding was started for acquisition of certain area of lands for the project in question under the provisions of the Act, 1894, which has now been repealed; therefore, the whole proceeding has been stayed by the State authorities and decision has been taken to start a fresh land acquisition proceeding under the provisions of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (in short, “the Act, 2013”). He further submits that if such a proceeding is started under the provisions of the Act, 2013 and the Rules made thereunder with respect to lands of the petitioners, then they shall be given opportunity of hearing. He next submits that, at the moment, no such proceeding is pending even under the Act, 2013.

In view of the above fair stand taken on behalf of the respondents and in view of the statements made in paragraphs 9

and 10 of the counter affidavit, this Court is of the opinion that the present writ petition has practically become infructuous and apprehension of the petitioners regarding acquisition of their lands under the provisions of the Act, 1894 is completely misconceived. Accordingly, the writ petition stands disposed of as infructuous.

However, it goes without saying that if fresh proceeding is started under the provisions of the Act, 2013 with respect to the lands in question belonging to the petitioners, then opportunity of hearing must be given to them, besides others, if any.

(Birendra Prasad Verma, J)

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