

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6492 of 2014

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Md. Rasul Bux, S/O Late Sk. Dasibullah, Resident of Mohalla - Ujaini,
Mania More, P.S. Naugachhia, District - Bhagalpur

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Director, Land Acquisition, Govt. Of Bihar
3. The Collector, Bhagalpur, District - Bhagalpur
4. The Special Land Acquisition Officer, Koshi Project, Saharsa, District - Saharsa
5. The Sub - Divisional Officer, Naugachhia, District - Bhagalpur
6. The Chief Engineer, Flood Control, Water Resources Dept., Bhagalpur, District - Bhagalpur
7. The Superintending Engineer, Water Resources Dept., Bhagalpur, District - Bhagalpur
8. The Executive Engineer, Water Resources Dept., Naugachhia, District - Bhagalpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sushanta Kumar Das, Adv.

For the Respondent/s : Mr. Ranjan Kumar, AC to AAG-IV

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 19-07-2016

Heard the parties.

The matters at issue are the orders passed and notification issued in Land Acquisition Case No.12 of 1981-82 and 17 of 1981-82 in the district of Bhagalpur.

From the pleadings of the parties, it is apparent that, in the land acquisition proceeding, an award was prepared and payment of compensation was made to the interested persons. After more than two decades, two persons including the present petitioner filed CWJC No.11706 of 2011 before this Court. However, the aforesaid writ petition was dismissed by a Bench of this Court by an order dated 20.12.2011 (Annexure-5) on the ground that the claim of the petitioners was stale. While passing the aforesaid order, it was further noticed that the possession over the lands in question was taken in the year 1982 and notices under Section 12(2) of the Land Acquisition Act were issued to the

interested persons. However, liberty was granted to the petitioners to ventilate their grievances before the appropriate authority in accordance with law.

Now, in the present case, almost same set of relief(s) have been sought by only one person out of two persons, who had earlier approached this Court in CWJC No. 11706 of 2011, which was finally dismissed on 20.12.2011 (Annexure-5).

In the counter affidavit filed on behalf of the respondents, it has been stated that in the light of the representation filed by the petitioner his claim was considered, but was rejected on 22.05.2014 (Annexure-A to the counter affidavit). In the aforesaid order/communication dated 22.05.2014, it has further been noticed that on the date fixed by the authority concerned the petitioner did not appear for presenting his case.

A copy of the aforesaid counter affidavit filed on behalf of the respondents was served upon the learned counsel for the petitioner on 30.06.2016, but till date no rejoinder affidavit has been filed on behalf of the petitioner controverting the averments made in the aforesaid counter affidavit.

From the facts noticed above, it is apparent that the issues, which have attained their finality, are sought to be re-agitated once again after more than two decades. The whole claim of the writ petitioner with respect to the lands in question is stale and is barred by the principles of constructive res judicata.

The writ petition is devoid of merit and is, accordingly, dismissed, but without costs.

Arvind/-

(Birendra Prasad Verma, J)

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