

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1711 of 2013

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Kanchan Devi W/O Arun Kumar Saw R/O Village- Kendua, P.S.- Sirdala,
District- Nawadah Petitioner/s

Versus

1. The State of Bihar through Secretary Land Acquisition Department, Govt. of Bihar, having his office at Secretariat, Patna
2. The State of Bihar through Principal Secretary Rural Works Department, having his Office at New Secretariat, Patna
3. The District Officer-cum -Collector, Nawadah
4. The District Consolidation Officer, Nawadah
5. The Deputy Development Commissioner, Nawadah
6. The Sub-Divisional Officer, Rajauli, Nawadah
7. The Executive Engineer, Rural Works Department, Nawadah
8. The Assistant Engineer, Rural Works Department, Nawadah
9. The Junior Engineer, Rural Works Department, Nawadah
10. The Contractor Banwari Lal Agrawal Pvt. Ltd., Raniganj, West Bengal
- 11, Gauri Shankar Prasad
- 12 Shital Prasad
13. Basudeo Prasad

Respondents

with

Civil Writ Jurisdiction Case No.1843 of 2013

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Arun Kumar son of Chandrika Prasad, resident of village Kendua,
P.S.Sirdala, District Nawadah Petitioner/s

Versus

- The State of Bihar through Secretary Land Acquisition Department, Govt. of Bihar, having his office at Secretariat, Patna
2. The State of Bihar through Principal Secretary Rural Works Department, having his Office at New Secretariat, Patna
 3. The District Officer-cum -Collector, Nawadah
 4. The District Consolidation Officer, Nawadah
 5. The Deputy Development Commissioner, Nawadah
 6. The Sub-Divisional Officer, Rajauli, Nawadah
 7. The Executive Engineer, Rural Works Department, Nawadah
 8. The Assistant Engineer, Rural Works Department, Nawadah
 9. The Junior Engineer, Rural Works Department, Nawadah
 10. The Contractor Banwari Lal Agrawal Pvt. Ltd., Raniganj, West Bengal

..... Respondent/s

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Appearance :

(In CWJC No.1711 of 2013)

For the Petitioner/s : Mr. Sanjay Kumar Sinha, Advocate
Mr.Pankaj Kumar Sinha, Advocate

For the Respondent Nos. 1 to 9 : Mr. Biresh Kumar Sinha, AC to AAG 2

For the Respondent Nos. 11 to 13 : Mr. Gauri Shankar Prasad, Advocate

(In CWJC No.1843 of 2013)

For the Petitioner/s : Mr. Sanjay Kumar Sinha, Advocate
Mr.Pankaj Kumar Sinha, Advocate

For the Respondent Nos. 1 to 9 : Mr. Biresh Kr Sinha, AC to AAG 2

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

10 23-02-2016

In both the matters, the issues of fact and law involved are almost common and identical, therefore, with the consent of the parties, both the writ petitions have been heard together and are being disposed of by this common order.

The grievance of the petitioners of both the writ petitions is that for redressal of their valid grievances regarding the lands in question, fully detailed in paragraph 1 of each of the writ petitions, they raised their claims before the respondent District Collector, Nawadah, but till date neither their valid grievances have been redressed nor their claims have been disposed of. However, learned counsel appearing on behalf of the respondent nos. 11 to 13 submits that, in fact, the lands in question do not belong to the petitioners and the lands in question belong to the joint family.

The learned State counsel appearing on behalf of the official respondents, by referring to averments made in the counter affidavit filed on behalf of the respondent nos. 1 to 7, has tried to resist the claims raised on behalf of the petitioners, but he has not been able to point out any documents or averments made anywhere that the claims raised on behalf of the petitioners by way of filing representations before the District Collector, Nawadah, as contained in Annexures 2 and 3 to the writ petitions, have finally been disposed of.

In above view of the matter, without going into the rival claims of the petitioners viz-a-viz the respondent nos. 11 to 13 with respect to the lands in question, this Court is of the opinion that the interest of justice shall be subserved if the petitioners are granted liberty to file their fresh separate comprehensive representations before the respondent no.3, District

Collector, Nawadah, with all supporting documents raising all their pleas, which have been raised in their respective writ petitions. It is ordered accordingly.

If such separate fresh comprehensive representations are filed on behalf of the petitioners within a period of one month from today with a certified copy of the present order, then the respondent District Collector, Nawadah either himself or any other competent authority of the respondents State shall be obliged to consider and decide the claims of the petitioners with respect to the lands in question claimed by them by a reasoned and speaking order, after giving an opportunity of hearing to all concerned including the petitioners and the respondent nos. 11 to 13, besides others, if any, at an early date preferably within a period of three months from the date of filing of such comprehensive representations by them in the manner indicated above.

If on consideration of the materials, the respondent District Collector, Nawadah or the competent authority concerned comes to a conclusion that the claims raised on behalf of the petitioners are admissible to them, then consequential orders shall also be issued for grant of such admissible claims to the petitioners without any unnecessary further delay, but before passing any final order, opportunity of hearing must be given to all concerned.

It is clarified that the parties shall be at liberty to raise all the issues of facts and law, which are available to them, before the respondent District Collector, Nawadah.

Both the above writ petitions stand finally disposed of with the observations and directions made above.

(Birendra Prasad Verma, J)

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