

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12282 of 2012

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1. Upendra Singh Son of Late Ram Chandra Singh, Resident of Village - Benipur (North) P.S. Aurai, Distt - Muzaffarpur
 2. Janki Devi W/O Late Nagendra Prasad Singh, Resident of Village - Benipur (North) P.S. Aurai, Distt - Muzaffarpur
 3. Ram Shankar Singh Son of Late Yogendra Singh, Resident of Village - Benipur (North) P.S. Aurai, Distt - Muzaffarpur
 4. Rakesh Kumar Singh Son of Late Birendra Singh, Resident of Village - Benipur (South) P.S. Aurai, Distt - Muzaffarpur
 5. Sushil Kumar Singh Son of Ram Bilash Singh, Resident of Village - Benipur (South) P.S. Aurai, Distt - Muzaffarpur
 6. Sudhir Kumar Singh Son of Ram Bilash Singh, Resident of Village - Benipur (South) P.S. Aurai, Distt - Muzaffarpur
 7. Anil Kumar Singh Son of Ram Bilash Singh, Resident of Village - Benipur (South) P.S. Aurai, Distt - Muzaffarpur
 8. Subodh Kumar Singh Son of Ram Bilash Singh, Resident of Village - Benipur (South) P.S. Aurai, Distt - Muzaffarpur
 9. Manoranjan Singh Son of Late Ram Deo Prasad Singh, Resident of Village - Benipur (South) P.S. Aurai, Distt - Muzaffarpur
 10. Ramkali Devi W/O Late Ram Deo Prasad Singh, Resident of Village - Benipur (South) P.S. Aurai, Distt - Muzaffarpur
 11. Shashi Ranjan Prasad Singh Son of Late Ramdeo Prasad Singh, Resident of Village - Benipur (South) P.S. Aurai, Distt - Muzaffarpur
 12. Satya Narain Singh Son of Late Ram Kirpal Singh, Resident of Village - Benipur (North) P.S. Aurai, Distt - Muzaffarpur
 13. Mukesh Kumar Son of Satya Narain Singh, Resident of Village - Benipur (North) P.S. Aurai, Distt - Muzaffarpur
 14. Mahesh Prasad Singh Son of Late Ram Lakhan Singh, Resident of Village - Benipur (North) P.S. Aurai, Distt - Muzaffarpur
 15. Tej Narain Singh Son of Late Kunji Singh, Resident of Village - Benipur (South) P.S. Aurai, Distt - Muzaffarpur
 16. Pramod Kumar Singh Son of Tej Narain Singh, Resident of Village - Benipur (South) P.S. Aurai, Distt - Muzaffarpur
 17. Amod Kumar Singh Son of Tej Narain Singh, Resident of Village - Benipur (South) P.S. Aurai, Distt - Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Bihar, Patna
2. The Director Land Acquisition and Rehabilitation, Water Resources Department Bihar, Patna
3. Special Land Acquisition Officer, Gandak Yojna, Ratwara, Muzaffarpur
4. Chandrakant Choudhary Then Kanomgo At Present Under Suspension, Gandak Colony, Ratwara Muzaffarpur, Resident of Gandak Yojna Colony, Ratwara, Distt - Muzaffarpur
5. Arun Kumar Singh Son of Not Known Kanoongo Gandak Yojna Ratwara Resident of Gandak Yojna Colony, Ratwara, Distt - Muzaffarpur
6. Ugra Mohan Jha Son of Not Known Kanoongo Gandak Yojna Ratwara Resident Of Gandak Yojna Colony, Ratwara, Distt - Muzaffarpur
7. Balmiki Sharma Son of Not Known Gandak Yojna Ratwara, Resident Of Gandak Yojna Colony, Ratwara, Distt - Muzaffarpur
8. Mukhiya, Janadh Jivajor Benipur, P.S. Aurai, Distt - Muzaffarpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shiva Shankar Sharma, Adv.

Mr. Arun Kumar Sinha, Adv.

For the Respondent No.1 to 3 : Mr. Chittaranjan Sinha, PAAG-2

Mr. Shailendra Kumar, AC to PAAG-2

For the Respondent No. 4 to 8 : None.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

6 17-08-2016

Heard the learned counsel appearing on behalf of the petitioners and the learned AC to PAAG-2 appearing on behalf of the respondent no. 1 to 3. However, none appears on behalf of the respondent no. 4 to 8 despite issuance of notice to them by the order dated 01.10.2015.

The petitioners, 17 in number, have filed the present writ petition under Article 226 of the Constitution of India seeking a direction to the respondent authorities for making payment of 30% extra solatium amount with interest to the petitioners on account of their voluntary surrender of the lands for the purposes of Gandak Bagmati Embankment Scheme.

The learned counsel appearing on behalf of the petitioners submits that for redressal of their valid grievances and for payment of 30% extra amount of solatium, the petitioners filed their representations before the respondent no.3, which all have been brought on record as Annexure-2 series, but till date neither their valid grievances have been redressed nor their representations have been disposed of.

Though, a counter-affidavit has been filed on behalf of the respondent no.3, but it has nowhere been stated in the aforesaid counter-affidavit that the representations filed on behalf of the petitioners have been disposed of.

In view of the nature of grievances raised on behalf of the petitioners in the present writ petition and in view of the fact that the relevant materials have not been brought on the record by

the learned State counsel by filing a supplementary counter-affidavit despite order dated 1.10.2015, this Court is of the opinion that no useful purpose shall be served by keeping the present matter pending any longer, rather interest of justice shall be subserved if the petitioners are granted liberty to file their fresh comprehensive representation before the respondent no.3 raising all the pleas, which have been raised in the present writ petition. It is ordered accordingly.

If such a fresh representation is 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 no.3 either himself or any other competent authority of the respondent State shall be obliged to consider and decide the claims of the petitioners by a reasoned and speaking order, after giving an opportunity of hearing to the petitioners, besides others, if any, at an early date preferably within a period of three months from the date of filing of such representation.

It is clarified that this Court has not gone into the merits of the claims raised on behalf of the petitioners in the present writ petition and it is left to be decided by the competent authority strictly in accordance with law.

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

(Birendra Prasad Verma, J)

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