

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12439 of 2012

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1. Shrawan Kumar @ Pankaj Kumar S/O Birendra Kumar Diwakar,
resident of Village- Dariyapur, P.S- Nagarnausa, District- Nalanda.
2. Radhika Devi W/O Birendra Kumar Diwakar, resident of Village-
Dariyapur, P.S- Nagarnausa, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Water Resources Department, Patna.
3. The District Magistrate, Nalanda.
4. The Sub Divisional Officer, Hilsa Sub Division, Hilsa District- Nalanda.
5. The Anchal Padadhikari, Hilsa Anchal, Hilsa, District- Nalanda.
6. The Superintending Engineer, Water Resources Department, Bihar
Sharif, Nalanda.
7. The Executive Engineer, Water Resources Ekangar Sarai, Division,
Nalanda.
8. The Assistant Engineer, Ekangar Sarai Division, Nalanda.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate
For the Respondent/s : Mr. Md. N. Hoda Khan , SC 18
Mrs. Babita Kumari, AC to SC 18

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 22-01-2016 Heard the parties.

2. The claims raised on behalf of the petitioners in the present writ petition with respect to the lands in question are based on disputed question of facts in view of the averments made in the counter affidavit filed on behalf of the respondent nos. 6 to 8.

3. However, in view of the nature of grievances raised on behalf of the petitioners in the present writ petition, this Court is of the opinion that in stead of deciding the disputed question of facts in the present proceeding, the interest of justice shall be subserved if the petitioners are granted liberty to file a fresh comprehensive representation before the respondent District Magistrate-cum-Collector, Nalanda with all supporting documents raising all the pleas, which have been raised in the present

proceeding. It is ordered accordingly.

4. If such a comprehensive 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 District Collector, Nalanda either himself or any other competent authority of the respondent-State shall be obliged to consider and decide the valid claims of the petitioners,

by 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.

5. If on consideration of the materials, the respondent District Collector or any other competent authority 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 without any unnecessary further delay.

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

(Birendra Prasad Verma, J)

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