

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13380 of 2012

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1. Sh.Vishwanath Choudhary Son of Late Bindeshwari Choudhary, Resident of Village - Sakarouli, Pargana Bhusari, Police Station - Cheria Bariarpur, Sub-Registry - Bakhari, Sub-Division- Manjhaul, District - Begusarai
 2. Sh. Ramnath Choudhary Son of Late Bindeshwari Choudhary, Resident of Village - Sakarouli, Pargana Bhusari, Police Station - Cheria Bariarpur, Sub-Registry - Bakhari, Sub-Division- Manjhaul, District - Begusarai
 3. Smt. Meera Devi Wife of Late Amarnath Choudhary, Resident of Village - Sakarouli, Pargana Bhusari, Police Station - Cheria Bariarpur, Sub-Registry - Bakhari, Sub-Division- Manjhaul, District - Begusarai
 4. Master Uddeshya (Minor) Son of Late Amarnath Choudhary, through his Mother Smt. Meera Devi, Resident of Village - Sakarouli, Pargana Bhusari, Police Station - Cheria Bariarpur, Sub-Registry - Bakhari, Sub-Division- Manjhaul, District - Begusarai
 5. Master Kushagra (Minor) Son of Late Amarnath Choudhary, through his Mother Smt. Meera Devi, Resident of Village - Sakarouli, Pargana Bhusari, Police Station - Cheria Bariarpur, Sub-Registry - Bakhari, Sub-Division- Manjhaul, District - Begusarai
 6. Sh. Arun Choudhary Son of Late Maheshwar Choudhary, Resident of Village - Sakarouli, Pargana Bhusari, Police Station - Cheria Bariarpur, Sub-Registry - Bakhari, Sub-Division- Manjhaul, District - Begusarai

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Water Resource Department, Government of Bihar, Patna
2. Principal Secretary, Ministry of Water Resource, Department of Irrigation / Flood Control, State of Bihar
3. The State of Bihar, through the Principal Secretary, Land Acquisition Department, Government of Bihar, Patna
4. The Chief Engineer, Water Resource Department, Samastipur
5. District Magistrate and Collector, Begusarai
6. Executive Engineer, Flood Control Division, Rosera, Samastipur
7. Land Acquisition Officer, Land Acquisition Department, Begusarai

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar

For the Respondent/s : Mr. Ajay Kumar Sharma, AC to PAAG

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

9 22-01-2016

Heard the parties.

The petitioners have filed the present writ petition for a direction to the respondents to pay them compensation to the

extent of Rs. 55, 60, 918/- for acquisition of their lands to the extent of 1.52 acres, fully detailed in paragraph-1 of the writ petition itself.

The entire claims raised on behalf of the petitioners are based on disputed question of facts. As per the averments made in the counter-affidavit and supplementary counter affidavit filed on behalf of the respondent no. 5 to 7, a land acquisition proceeding was started and, accordingly, award was prepared in the names of the petitioners for a sum of Rs. 36, 35, 842/- only. The learned State counsel appearing on behalf of the respondents, by referring to Annexure-A and B series to the supplementary counter-affidavit filed on behalf of the respondent no. 5 and 7, submits that entire award amount has been received by the petitioners without protest. Therefore, according to him valid grievances of the petitioners have been redressed, and, now, the present writ petition has become infructuous.

On examination of the record this Court finds that factum of receiving the award amount of Rs. 36, 35, 842/- has been admitted in the supplementary affidavit filed on behalf of the petitioner no. 6. The learned counsel appearing on behalf of the petitioners has not been able to show any legal justification for claiming the higher amount, as claimed in the writ petition.

In above view of the matter, the writ petition is dismissed as the award amount has already been paid to them.

(Birendra Prasad Verma, J)

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