

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9003 of 2015

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1. Madan Sah
2. Uma Shankar Sah, Both Sons of Late Hari Nandan Sah Resident of
Village- Sarai Purani Bazar, P.o. Sarai, P.s Sarai, District vaishali.

.... Petitioner/s

Versus

1. The State of Bihar
2. The State of Bihar through District Magistrate, Vaishali at Hajipur
3. The District Land Acquisition Officer, Vaishali at Hajipur
4. The Circle Officer, Bhagwanpur.
5. Krishna Prasad Son of Late Rajendra Sah Resident of Mohalla- pokhra,
P.s town Hajipur, District Hajipur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar
Mr. Santosh Kumar

For the Respondent No.1 to 4:Mr. Krishna Chandra, AC to AG

For the Respondent No. 5 : Mr. Arun Kumar Mandal

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 19-04-2016 Heard the parties.

The grievance of the petitioners in the present writ petition is that despite order dated 19.11.2013 passed by the Arbitrator-cum-Additional Collector, Vaishali, as contained in Annexure-4 to the writ petition, in exercise of his powers under Section 3G(5) of the National Highways Act, 1956, the amount of compensation so determined is not being paid to them and part of compensation amount is illegally proposed to be paid to the respondent no. 5.

In view of nature of grievances raised on behalf of the petitioners in the present writ petition, this Court is of the opinion that instead of keeping the matter pending before this Court asking the respondents including the respondent no. 5 to file their counter-affidavit, the interest of justice shall be sub-served if the petitioners as also the respondent no.5, who is represented through

his lawyer, are directed to appear before the respondent District Land Acquisition Officer, Vaishali at Hajipur, the respondent no.3, and file a comprehensive representation in support of their respective claims, raising all the pleas, which have been raised in the present writ petition. It is ordered accordingly.

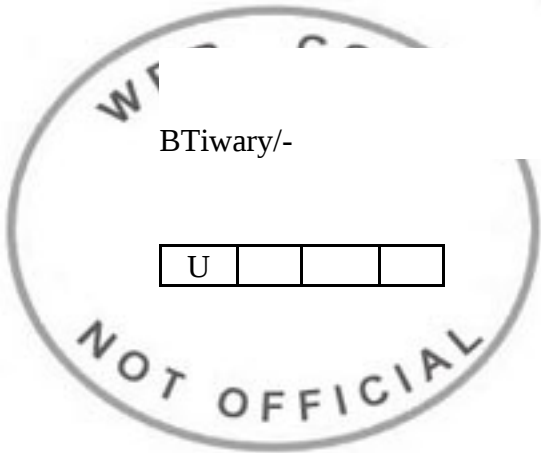
If the petitioners file a comprehensive representation with all supporting documents as also with a certified copy of the present order, then the respondent District Land Acquisition Officer, Vaishali at Hajipur either himself or any other competent authority of the respondents State shall be obliged to consider and decide their claims by a reasoned and speaking order, after giving an opportunity of hearing to all concerned including the petitioners as also the respondent no.5, besides others, if any, at an early date preferably within a period of three months from the date of filing of such representation.

If on consideration of the materials and after hearing the parties, the competent authority comes to the conclusion that the order passed by the Arbitrator- cum-Additional Collector, Vaishali has attained its finality, then the payment of compensation shall be made to the entitled persons without any unnecessary further delay.

In order to expedite the matter, the petitioners as also the respondent no. 5 are hereby directed to appear before the respondent District Land Acquisition Officer, Vaishali at Hajipur within a period of one month from today in the manner indicated above, whereafter the respondent no. 3 or any other competent authority of the State shall proceed to decide the matter for redressal of their valid grievances.

The writ petition stands finally disposed of with the

observations and directions made above.



(Birendra Prasad Verma, J)