

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24441 of 2013

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Shashi Kumar Viswas, S/O Kishun Viswas, R/O Village- Jhausa, P.S.
Ajamnagar, District -Katihar

.... Petitioner/s

Versus

1. The State Of Bihar through Secretary Of Land Reforms Deptt., Govt. Of Bihar, Patna
2. The District Magistrate, Katihar, District Katihar
3. The District Land Acquisition Officer, Katihar, District Katihar
4. The Anchaladhikari, Ajam Nagar, District Katihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Adv.
Mr.Dhananjay Kumar Gupta, Adv.
Mr.Viveka Nand Jha, Adv.
For the Respondent/s : Mr. Prabhu Narayan Sharma, AC to AG.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 07-01-2016

Heard the parties.

The petitioner has filed the present writ petition under Article 226 of the Constitution of India assailing the validity and correctness of the notification dated 18.01.2012 issued under Section 4 read with Section 17(4) of The Land Acquisition Act, 1894 and for other incidental reliefs.

In the present case, a counter affidavit has been filed on behalf of the respondent nos.2 and 3 way back on 18th May, 2015, but a copy of the aforesaid counter affidavit was served upon the learned counsel for the petitioner much earlier on 26.03.2014. In the aforesaid counter affidavit, it has been stated that on the basis of the land acquisition proceeding in question award has been prepared by the Collector after following the procedure prescribed under the law.

The facts stated in the aforesaid counter affidavit

have not been controverted by the learned counsel for the petitioner, though he received the copy almost two years earlier.

In view of preparation of the award, as has been averred in the counter affidavit, which has not been challenged in the present proceeding, the present writ petition has become infructuous. It is, accordingly, dismissed.

However, the petitioner, if so advised, shall be at liberty to challenge the validity and correctness of the aforesaid award before the appropriate forum/court.

(Birendra Prasad Verma, J)

Arvind/-

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