

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13874 of 2013

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Sudhir Kumar Singh son of Late Yamuna Prasad Singh, resident of village Barahi Jagdish tola, P.S.Purnahiya, District Sheohar Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Land Acquisition Deptt. Govt.of Bihar, Patna
2. Principal Secretary, Land Acquisition Deptt. Govt. of Bihar, Patna
3. District Magistrate, Sitamarhi
4. District Magistrate, Sheohar
5. Additional Collector, Sheohar
6. Rehabilitation Officer, Sitamarhi
7. Special Land Acquisition Officer, Gandak Yojana, Muazaffarpur
8. Circle Officer, Purnahiya, District Sheohar Respondent/s
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Appearance :

For the Petitioner/s : Mr. Arun Kumar, Advocate
Mr.Nirmal Kumar Sinha, Advocate

For the Respondent/s : Mr. Mahendra Prasad Verma, AC to SC 13

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

8 15-01-2016

Heard the parties.

The petitioner has filed the present writ petition under Article 226 of the Constitution of India for the reliefs enumerated in paragraph 1 of the writ petition, which reads as follows:

“1) That in this writ application the petitioner seeks the following reliefs:

A) To issue a writ of mandamus or any other writ or writs, direction or directions, commanding upon the respondents not to disposses or disturb the possession of the petitioner over his land bearing S.P.No. 583 of Khata No. 194, area 43 dec. situated in village Khaira Pahari, Thana Purnahaiya District Sheohar without acquiring the same under Bihar Land Acquisition Act, 1960 and making payment of compensation by the Government.

B) To pass any such other order or orders as this Hon’ble Court thinks fit and proper under the facts and circumstances of this case.”

Though the learned counsel appearing on behalf of the

petitioner argued the matter at some length, but the learned State counsel contested his claims and submitted that the entire claims raised on behalf of the petitioner are completely misconceived and untenable in view of the averments made in the counter affidavit filed on behalf of the respondent no.7. According to the learned State counsel, it has been stated in the counter affidavit that a land acquisition proceeding was started under the provisions of The Land Acquisition Act, 1894 (in short, “the Act, 1894”) and on conclusion of the aforesaid proceeding, Award No.1 was prepared in Land Acquisition Case No. 5 of 2004-05. It is further pointed out that after preparation of the aforesaid award, notice under Section 12 (2) of the Act, 1894 was issued to the interested persons on 17.04.2008 asking them to receive the amount of award on 30.04.2008. A copy of the aforesaid notice has been brought on record as Annexure-F to the aforesaid counter affidavit.

The facts stated in the aforesaid counter affidavit has not been controverted by the petitioner, though a copy of the aforesaid counter affidavit was served upon the learned counsel appearing on behalf of the petitioner way back on 04.09.2014.

In the main writ petition, all the facts relating to initiation and conclusion of the land acquisition proceeding has been suppressed and a plea has been taken that without initiating any land acquisition proceeding, the land of the petitioner has been acquired by the State Government. Apparently, the petitioner is guilty of suppression of the materials facts.

In above view of the matter, the writ petition is dismissed, but without costs.

(Birendra Prasad Verma, J)

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