

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13391 of 2015

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1. Ramjhari Devi, w/o Shiv Lakhan Chaudhary, D/o late Saryug Chaudhary
2. Sri Bhutai Chaudhary, H/o late Sushila Devi, S/o Harnandan Chaudhary
3. Smt. Dharmsheela Devi, W/o Sohrai Chaudhary, D/o late Saryug Chaudhary
All resident of Vill- Digha Ghat, P.S.- Digha, District and Town- Patna.

.... Petitioner/s

Versus

1. The Union of India
2. The General Manager, East Central Railway Hazipur.
3. The Divisional Railway Manager, Danapur Patna.
4. The State of Bihar through District Magistrate Patna (Bihar)
5. The Deputy Collector, District Land Acquisition, Patna.
6. The Senior Superintendent of Police, Patna.
7. The Deputy Superintendent of Police, Patna.
8. The officer-in-charge of Digha Police Station, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rahul Kumar, Adv.
For the Respondent nos.2&3 : Mr. Ashok Kumar Keshari, Adv.
Mrs.Meena Singh, Adv.
For the Respondent nos.4to8 : Mr.Krishna Chandra, AC to AG

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 30-03-2016

Heard the parties.

The only grievance of the petitioners is that, though their lands, fully detailed in paragraph 5 of the writ petition, have been acquired for construction of Sonapur-Patna Ganga Rail Bridge after preparation of award under the provisions of The Land Acquisition Act, 1894, but only part of the award amount has been paid to them. The petitioners raise a further grievance that their residential house has also been demolished and despite assurance given by the authorities concerned full award amount has not been paid to them till date.

In view of the nature of the grievances raised on behalf of the petitioners in the present writ petition, this Court is of the considered opinion that, instead of keeping the matter pending before this Court calling upon the respondents to file their counter

affidavit(s), the interest of justice shall be sub-served, if the petitioners are granted liberty to file a fresh comprehensive representation with all supporting documents before the District Collector, Patna, raising all the pleas, which have been raised in the present writ petition. It is ordered accordingly.

If such a comprehensive representation is filed by the petitioners within a period of four weeks from today with a certified copy of the present order, then the District Collector, Patna, either himself or any other competent authority of the respondent State, as per his direction, shall be obliged to consider and decide the claims raised on behalf of the petitioners strictly in accordance with law, by a reasoned and speaking order, after giving an opportunity of hearing to all concerned including the petitioners, at an early date, preferably within a period of three months from the date of filing of such comprehensive representation by the petitioners.

If on consideration of the materials, the competent authority comes to a conclusion that the claims raised on behalf of the petitioners are admissible to them, then the consequential orders shall also be issued for grant of such admissible claims without any unnecessary further delay.

It is clarified that this Court has not gone into the merits of the claims raised on behalf of the petitioners in the present writ petition and the same is left to be decided by the competent authority strictly in accordance with law.

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

Arvind/-

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(Birendra Prasad Verma, J)