

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16151 of 2015

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1. Sk. Tajammul son of Sk Habul
2. Bibi Rajina Khatoon Wife of Sk Tajammul All are the residents of village Sundarpur, P.S. Pirpainty, District - Bhagalpur.
..... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary.
2. The Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
3. The Director, Land Acquisition, Govt. of Bihar, Patna.
4. The Commissioner, Bhagalpur Division, Bhagalpur.
5. The District Magistrate, Bhagalpur.
6. The Sub Divisional Officer, Pirpainty, District - Bhagalpur.
7. The Circle Officer, Pirpainty, District - Bhagalpur.
8. The Block Development Officer, Pirpainty, District - Bhagalpur.
9. The District Land Acquisition Officer, Bhagalpur.
..... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Swapnil Kumar Singh, Adv.
For the Respondent/s : Ms. Alka Singh, AC to SC-3

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 21-09-2016 Heard the parties.

The only grievance raised on behalf of the petitioners in the present writ petition is that though the lands belonging to them, fully detailed in paragraph-13 of the writ petition, has been acquired for Pirpainti Thermal Power Project in Land Acquisition Case No. 23 of 2010-11 and, accordingly, an award was prepared, but quantum of award, so fixed, is not at par with the other persons of the locality, whose lands have also been acquired for the said purpose.

The learned counsel appearing on behalf of the petitioners submits that the petitioners are at least entitled for similar treatment for the purposes of grant of compensation for acquisition of the lands in question.



In view of the nature of grievances/claims raised on behalf of the petitioners, noticed above, this Court is of the opinion that instead of keeping the matter pending before this Court asking the respondents to file their counter-affidavit, the interest of justice shall be sub-served if the petitioners are granted liberty to file a fresh representation with all supporting documents before the District Collector, Bhagalpur, raising all the grievances, which have been raised in the present writ petition, noticed above. It is ordered accordingly.

If such a representation is filed on behalf of the petitioners within a period of one month from today with a certified copy of the present order, then the District Collector, Bhagalpur either himself or any other competent authority of the respondent State, as per his direction, shall be obliged to consider and decide the claims of the petitioners, by a reasoned and speaking order, after giving an opportunity of hearing to the petitioners, and the authorities concerned, besides the private individuals, if any, at an early date preferably within a period of three months from the date of filing of such representation by the petitioners.

If on consideration of the materials and after hearing the parties, the competent authority comes to a conclusion that claims raised on behalf of the petitioners are admissible to them, then consequential order 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 this 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.

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(Birendra Prasad Verma, J)

