

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9383 of 2016

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Bhola Singh son of Barho Singh, resident of village Sabalpur Rajgir,
P.S.Rajgir, District Nalanda at Biharsharif

.... Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna
2. The Land Acquisition Officer, Biharsharif, Nalanda
3. The Collector, Nalanda at Biharsharif, Dist. Nalanda

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dinu Kumar, Advocate
Mr. Rajesh Kumar Singh, Advocate
For the Respondent/s : Mr. Ajay, GA 12

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 20-06-2016

Perused the office note dated 18.06.2016.

The learned counsel appearing on behalf of the petitioner submits that he will remove defect no.1 pointed out by the stamp reporter by deleting the name of respondent no.4 from the cause title of the writ petition during course of the day.

If the aforesaid order is not carried out, the writ petition shall be construed to have been rejected on account of non-compliance of the court's order.

On the request of the learned counsel for the petitioner and the learned GA 12, appearing on behalf of the respondent nos. 1 to 3, the matter has been taken up for consideration on merits.

In the present writ petition filed under Article 226 of the Constitution of India the only grievance of the writ petitioner is that L.A.Case No. 7 of 2003 filed on his behalf under Section 18 of The Land Acquisition Act, 1894 has not been disposed of till date, though the matter is pending for argument since 06.02.2009.

The learned counsel appearing on behalf of the petitioner submits that the aforesaid Land Acquisition Case No. 7 of 2003 is still pending in the court of learned Sub Judge V,

Biharsharif, Nalanda and though the Presiding Officer is there, but despite all efforts made by the petitioner, the aforesaid Land Acquisition Case No. 7 of 2003 is not being taken to its logical conclusion.

The learned GA 12, appearing on behalf of the respondent nos. 1 to 3, submits that if an appropriate direction is issued by this Court, then the matter shall be taken to its logical conclusion at an early date.

In the aforesaid facts and circumstances of the case and in view of the fair stand taken on behalf of the parties, the present writ petition is disposed of with a direction to the learned Sub Judge V, Biharsharif, Nalanda, who is said to be in seisin of the case or his successor, to dispose of the aforesaid L.A.Case No. 7 of 2003 at an early date preferably within a maximum period of six months from the date of receipt/production of a copy of this order.

However, it is clarified that before passing any final order, opportunity of hearing must be given to all concerned including the petitioner and the authorities concerned, besides others, if any.

It is further clarified that this Court has not gone into the merits of the claim raised on behalf of the petitioner with respect to the lands in question, which is/was subject matter of acquisition, and this is left to be decided by the learned Sub Judge V, Biharsharif, Nalanda strictly in accordance with law.

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

(Birendra Prasad Verma, J)

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