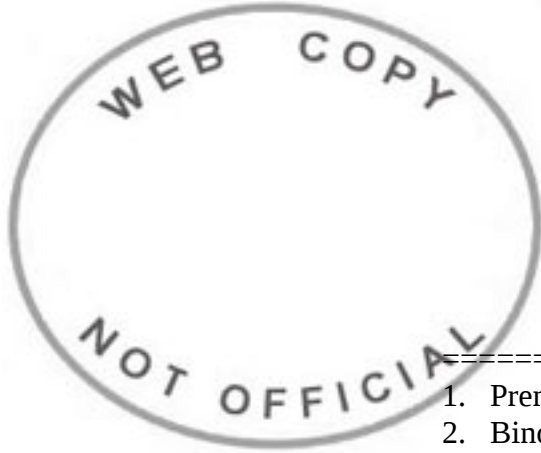


IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5866 of 2011

With
Interlocutory Application No. 4598 of 2011
And
Interlocutory Application No. 5045 of 2011
And
Interlocutory Application No. 7081 of 2011
And
Interlocutory Application No. 5022 of 2012
And
Interlocutory Application No. 4952 of 2016



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1. Prem Shankar Singh son of Late Shiv Shankar Singh
 2. Binod Kumar Singh son of Shri Vishwanath Singh
 3. Shambhu Kumar Singh son of Late Ram Ayodhya Singh
 4. Vijay Narayan Singh son of Late Ram Kripal Singh
 5. Priya Ranjan Singh son of Late Jai Narayan Singh
- All are residents of Village Muzajida, Anchal Parbata, P.S.Parbata,
District Khagaria

.... Petitioner/s

Versus

1. The State of Bihar
2. Principal Secretary, Department of Revenue and Land Reforms,
Government of Bihar, Patna
3. Collector, Khagaria, District Khagaria
4. The Land Acquisition Officer, Khagaria

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ranjan Kumar Dubey, Advocate Mr. Parth Gaurav, Advocate
For the Respondent/s	:	Mr. Ajay Kumar Sharma, AC to PAAG-1
For the Intervenors	:	M/s Ashutosh Jha, Narendra Pandit, Bijay Kumar Mishra, Arvind Kumar, Shekhar Singh and Suman Kumar Mishra, Advocates

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

6 24-08-2016

Heard the parties.

2. The grievance of the petitioners raised in the present writ petition is that though the lands in question, fully detailed in paragraph 4 of the writ petition, belong to them and Land Acquisition Case No. 4 of 1977-78 was started for acquisition of the aforesaid lands, but till date no amount of

compensation has been paid to them; therefore, appropriate direction may be issued to the respondents authorities to pay the adequate compensation and other lawful dues of the petitioners, or alternatively, they may be handed over the vacant possession of the lands in question.

3. In the present writ petition, several Interlocutory applications namely, I.A.Nos. 4598 of 2011, 5045 of 2011, 7081 of 2011, 5022 of 2012 and 4952 of 2016 have been filed on behalf of the different interveners claiming therein that they are vitally interested with the final outcome of the main writ petition; therefore, they may also be heard or/and they may be directed to be added as party respondents in this writ petition before final disposal of claim raised on behalf of the petitioners. According to them, the lands in question were allotted to them by the State authorities and they are in possession over the same.

4. A counter affidavit on behalf of the respondent no.3 has been filed in this case, wherein though it has been admitted that Land Acquisition Case No. 4 of 1977-78 was started for acquisition of 8.90 acres of land in question, but that proceeding lapsed on account of lack of allotment of sufficient fund. In the whole counter affidavit it has not been stated anywhere that any award was prepared for acquisition of lands in question.

5. In the writ petition also, copy of award prepared for acquisition of the lands in question has not been brought on the record, but it is asserted that the lands in question were acquired by the State Government and were allotted to certain beneficiaries; therefore, the learned counsel for the petitioners submits that either the petitioners should be paid adequate amount of compensation or they should be given vacant possession of the

lands in question.

6. After having heard the parties at some length, this Court finds that several disputed question of facts are involved in the present writ petition. Therefore, the reliefs prayed for on behalf of the petitioners cannot be granted unless and until those disputed question of facts are conclusively decided.

7. In above view of the matter, the entire matter is remitted to the District Collector, Khagaria with a direction to decide the claims raised on behalf of the parties in the present proceeding. It goes without saying that if the lands in question were acquired by the State Government, then certainly the petitioners and/or the rightful owners are entitled for payment of adequate compensation; but if the lands in question have not been acquired by the State Government, then certainly the owners of the lands in question are entitled to get back vacant possession over the same. The District Collector, Khagaria shall examine the entire matter afresh and shall pass appropriate final order with respect to the claims raised on behalf of the petitioners viz-a-viz the interveners.

8. In order to expedite the matter, the petitioners as also the aforesaid interveners are hereby directed to appear before the respondent District Collector, Khagaria within a period of one month from today with their respective comprehensive representations in support of their respective claims raised in the present writ petition as also in the Intervention petitions, whereafter the matter shall be decided by the respondent District Collector, Khagaria in accordance with law.

9. It is expected that the respondent District Collector, Khagaria shall make all endeavours to dispose of the matter at an

early date preferably within a period of six months from the date of appearance of the parties in the matter indicated above as also with a certified copy of the present order, but before passing any final order, opportunity of hearing must be given to all concerned including the petitioners and the intervenors, besides others, if any.

10. In the result, the writ petition stands disposed of with the observations and directions made above. All the Interlocutory Applications, mentioned above, are also disposed of accordingly. However, the parties are left to bear their own costs.

(Birendra Prasad Verma, J)

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