

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6006 of 2014

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Sushil Kumar Singh, S/O Late Kishna Prasad Singh, R/O Village Sabalpur,
P.S. Panjwara, District Banka

.... Petitioner/s

Versus

1. The State Of Bihar through Director, Land Acquisition Department,
Bihar, Patna
2. The District Magistrate, Banka, District - Banka
3. The District Land Acquisition Officer, Banka, District Banka
4. The District Land Acquisition Officer, Bhagalpur, District Bhagalpur
5. The Additional Land Acquisition Officer, Bhagalpur, District Bhagalpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Adv.
Mr. Sharda Nand Mishra, Adv.
Mr. Rajiv Ranjan, Adv.

For the Respondent/s : Mr. Rajesh Kumar, AC to AAG-3

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 30-06-2016

Heard the parties.

Indisputably, the lands in question, detailed in paragraph 4 of the writ petition, were acquired by the State government by virtue of the order passed and award prepared in Land Acquisition Case No.36 of 1961-62. Admittedly, the father of the petitioner received the award amount. Thereafter, in view of the decision of the State Government to relinquish the acquired lands including the lands in question, notices were issued to the father of the petitioner way back on 26.10.1970 and again on 28.10.1972 asking him to return the award amount received by him with 6% interest, if he was at all interested in getting back the possession over the lands in question. Admittedly, the award amount was not returned by the father of the petitioner with interest and did not show his willingness to get back his acquired lands, and thereafter the matter concluded and lands remained

with the State Government.

After lapse of about 44 years, the present writ petition has been filed by the petitioner that now direction may be issued to the respondents to return the lands in question to him, after accepting the award amount by the State Government.

A detailed counter affidavit has been filed on behalf of the respondent no.4 giving full details as to how the matter proceeded and how the father of the petitioner did not accept the proposal of the State Government. No rejoinder affidavit has been filed on behalf of the petitioner to the aforesaid counter affidavit. Therefore, the facts stated therein have to be accepted, as the aforesaid counter affidavit was filed way back on 24th March, 2015 after service of its copy upon the learned counsel for the petitioner.

In above view of the matter, it is apparent that the present writ petition suffers from delay and laches. The things, which stood concluded way back in the year 1972, cannot be permitted to be re-opened after about 44 years.

In above view of the matter, the present writ petition has to fail and is, accordingly, dismissed, but without costs.

(Birendra Prasad Verma, J)

Arvind/-

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