

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13218 of 2012

=====

Dinesh Kumar Singh S/O Late Chit Narayan Singh, resident of Village &
P.O. - Nanharpur, P.S. - Jandaha, District - Vaishali

.... Petitioner/s

Versus

1. The State of Bihar
 2. The Chief Secretary, Government of Bihar, Patna
 3. The Revenue and Land Reforms Department, Patna through its Chief
Secretary, Revenue and Land Reforms Department, Government of
Bihar, Patna
 4. The Additional Collector (Land Acquisition Directorate), Vaishali at
Hajipur
 5. The District Land Acquisition Officer, Vaishali at Hajipur
 6. The Executive Engineer, Electricity Division, Hajipur, District - Vaishali
- Respondent/s
- =====

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Dubey, Advocate
For the Respondent Nos. 1 to 5 : Mr. Krishna Chandra, AC to AG
For the Respondent Nos. 6 & 7 : Mr. Vinay Kirti Singh, Sr. Advocate

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

7 07-12-2016

Heard the parties.

The petitioner has filed the present writ petition assailing the validity and correctness of the Notification dated 05.12.2011 (Annexure-1) issued by the State Government in terms of Section 4 read with Section 17(4) of The Land Acquisition Act, 1894 (in short “the Act, 1894”) on the ground that if the land acquisition proceeding in question is allowed to continue, then the petitioner would become landless; therefore, according to the learned counsel for the petitioner, whole land acquisition proceeding is fit to be quashed.

The matter has been contested by the respondents by filing two separate sets of counter affidavits; one on behalf of the respondent nos. 1, 4 and 5 and other on behalf of the respondent nos. 6 and 7.



The learned AC to AG, appearing on behalf of the respondent nos. 1 to 5, by referring to the averments made in the counter affidavit filed on behalf of the respondent nos. 1, 4 and 5, submits that now the award has been prepared under Section 11 of the Act and notices under Section 12(2) of the Act have also been served upon the interested persons way back in the year 2012, whereafter, the possession over the acquired lands was handed over on 08.09.2012 to the requisitioning authority for construction of 33/11 KV Power Sub Station. Therefore, according to him, now it is too late for the petitioner to assail the validity and correctness of the Notification (Annexure-1) and the whole land acquisition proceeding.

The learned senior counsel appearing on behalf of the respondent nos. 6 and 7 submits that, in fact, requisition for the lands in question was made in the year 2008 and knowing full well, the petitioner purchased the lands in question subsequently in the year 2011. Therefore, according to him, the reliefs sought for on behalf of the petitioner, in view of preparation of the award, cannot be granted.

After having heard the parties, this Court finds that it is true that the writ petition was filed on 24.07.2012 and the matter was heard on different dates, but the land acquisition proceeding in question was never stayed by this Court. It is also true that now the award has been prepared under the provisions of the Act, 1894 and notices under Section 12(2) of the Act have been served upon the interested persons, whereafter possession over the lands in question was given to the requisitioning authority.

In view of the aforesaid developments, this Court is not inclined to accede to the prayer made on behalf of the



petitioner in the present writ petition. The writ petition is devoid of merits and is, accordingly, dismissed. However, there shall be no order as to costs.

(Birendra Prasad Verma, J)

Tahir/-

U			
---	--	--	--

