

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23249 of 2013

=====

Anirudh Giri S/O Vivekanand Giri, Resident of Village- Mathori Khas, P.S-
Uchkagaon, District- Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Gopalganj.
3. The Competent Officer- Cum- District And Acquisition Officer,
Gopalganj.
4. The Circle Officer, Hathua, Block- Hathua, District- Gopalganj.
5. The Executive Engineer, Rural Engineering Organization, Hathua,
Mirganj, District- Gopalganj

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Srivastava

For the Respondent/s : Mr. Upendra Pratap Singh, AC to SC-25

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 05-01-2016

Heard the parties.

The grievance of the petitioner is that without initiating any land acquisition proceeding, a public road is being constructed over the lands belonging to him. His further grievance is that even compensation has not been paid for the lands over which the road has already been constructed.

The learned counsel appearing on behalf of the petitioner submits that for redressal of his valid grievances, the petitioner filed his representations before the respondent no. 2 and 3, but till date neither his representation has been disposed of nor his valid grievances are being redressed.

The writ petition was filed way back on 21.11.2013, but despite passage of more than two years the State counsel has not been able to file counter-affidavit.

In above view of the matter particularly in view of nature of claims raised on behalf of the petitioner, this Court is of

the considered opinion that instead of keeping the matter pending awaiting counter-affidavit on behalf of the respondents, interest of justice shall be sub-served if the petitioner is granted liberty to file a fresh comprehensive representation with all supporting documents before the respondent District Magistrate-cum-Collector, Gopalganj raising all the pleas, which have been raised in the present writ petition. It is ordered accordingly.

If such a comprehensive representation is filed on behalf of the petitioner within the period of one month from today with a certified copy of the present order, then the respondent District Magistrate-cum-Collector, Gopalganj either himself or any other competent authority of the respondent State shall be obliged to consider and decide the claim of the petitioner by a reasoned and speaking order, after giving an opportunity of hearing to the petitioner, besides others, at an early date preferably within a period of three months from the date of filing of such representation.

It is clarified that if on consideration of materials the competent authority comes to the conclusion that the claims raised on behalf of the petitioner are admissible, then consequential order shall also be issued for grant of such admissible claims without any unnecessary further delay.

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

(Birendra Prasad Verma, J)

BTiwary/-

U			
---	--	--	--