

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19779 of 2013

Vishwanath Rai S/O Late Nemdhari Rai Resident Of Village- Dayalpur, P.S- Raja Pakar, District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar through the Collector Vaishali, Hazipur.
2. The Additional Collector, Vaishali At Hajipur.
3. The Land Acquisition Officer, Vaishali At Hajipur.
4. The Deputy Collector Incharge Hazipur, Vaishali.
5. The Circle Officer, Hazipur (Vaishali)
6. The District Sub Registrar Vaishali, Hazipur.
7. Anirudha Prasad Das, the Principal B.M.D. College, Dayalpur, P.S- Raja Pakar, Distt- Vaishali.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Shankar Kumar
For the Respondent No.1 to 6 : Mr. AC to AAG-6
For the Respondent No. 7 : Mr. Sandeep Kumar

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA

ORAL JUDGMENT

Date: 01-04-2016

Heard the parties.

The issue raised in the present writ petition is almost identical and common with that of the issues raised in CWJC No. 18495 of 2013 (Bacha Lal Rai vs. The State of Bihar & Ors.) and CWJC No.18683 of 2013 (Bimal Rai vs. The State of Bihar & Ors.), which have been dismissed today itself, with only exception that in the present matter, the petitioner had earlier moved this Court in CWJC No. 21747 of 2012, which was disposed of by a Bench of this Court [Coram: Kishore Kumar Mandal, J] by order dated 10.12.2012 (Annexure-7) with a direction to the petitioner to appear before the respondent District Land Acquisition Officer, Hajipur (Vaishali), who was directed to dispose of his claim in accordance with law.

In the light of the aforesaid order, the petitioner appeared



before the respondent District Land Acquisition Officer, Hajipur (Vaishali) and accordingly Case No. 06 of 2013 was registered and final order was passed on 16.03.2013, which has been brought on record as Annexure-9 to the writ petition. In the aforesaid order dated 16.03. 2013 it has been noticed that the lands claimed by the petitioner i.e. plot no.3816, area 10 decimals was subject matter of land acquisition proceeding initiated in the year 1987 for the purposes of establishment of BMD College, Dayalpur and the award was prepared in the name of Namedhari Rai and Jagdhari Rai. It has also been noticed that after hearing the raiyats, the award was bifurcated as Award No. 7 and 7/A. The Award No. 7 was prepared in the name of Jagdhari Rai for 5 decimals of lands and the Award No. 7/A was prepared for remaining 5 decimals of lands in the name of Namedhari Rai. The present writ petitioner claims to be the son of the awardee Namedhari Rai.

The learned counsel appearing on behalf of the petitioner submits that Namedhari Rai died on 31.10.1981.

From the facts noticed in the impugned order and the averments made in the counter-affidavit filed on behalf of the respondent no. 1 and 2, it is apparent that the land acquisition proceeding, which was initiated in the year 1987-88 and concluded in the year 1990, after preparation of award under the provisions of the Land Acquisition Act, 1894, is sought to be reopened by the son of the original awardee, after a long period of time, which cannot be entertained at this stage. Even the possession of the land was given long long ago. This Court does not find any good ground to interfere with the impugned order passed by the District Land Acquisition Officer, Hajipur (Vaishali).

The writ petition is devoid of merit and is, accordingly,

dismissed.

As directed by the impugned order, if the petitioner appears before the respondent District Land Acquisition Officer, then award amount shall be paid to him, if not already paid, and if there is no other claimant for the same.

(Birendra Prasad Verma, J)

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