

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4428 of 2016

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1. Brahma Pandey
2. Sharma Pandey Both sons of Late Deonath Pandey residents of village -
Mahna, P.S. Bhagwanpur, District - Siwan

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land
Reforms Department, Bihar, Patna
2. The Director, Land Acquisition, Revenue and Land Reforms
Department, Bihar, Patna
3. The Collector Cum District Magistrate, Siwan
4. The District Land Acquisition officer, Siwan

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Parshant Kashyap
Mr. Ashok Kumar
Mr. Kaushal Kumar Singh
For the Respondent/s : Mr. Biresh Kr. Sinha, AC to AAG-2

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 17-05-2016 Heard the parties.

The main grievance of the petitioners in the present writ petition filed under Article 226 of the Constitution of India is that though Award No. 16 as also Award No. 25 had been prepared under the provision of The Land Acquisition Act, 1894 for acquisition of the lands belonging to the petitioners, yet award amount has not been paid till date.

In view of the nature of grievance raised on behalf of the petitioners in the present proceeding, this Court is of the opinion that instead of keeping the matter pending here, the interest of justice shall be sub-served if the petitioners are granted liberty to file a comprehensive representation with all supporting documents before the respondent District Collector, Siwan, and 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 petitioners within a period of one month from today with a certified copy of the present order, then the respondent District Collector, Siwan either himself or any other competent authority, as per his direction, shall be obliged to consider and decide the claims of the petitioners by a reasoned and speaking order, after giving an opportunity of hearing to all concerned including the petitioners, at an early date preferably within a period of two months from the date of filing of such representation by the petitioner.

It is clarified that if the contention raised on behalf of the petitioners is found to be correct that award has been prepared in their favour with respect to the lands in question, and there is no dispute raised by any other person including the co-sharer of the petitioners either about apportionment of award amount or about the quantum of the award amount, then the competent authority will have no option, but to make payment of award amount to the petitioners.

However, it is clarified that this Court has not gone into the merits of the claims raised on behalf of the petitioners in the present writ petition and it is left to be decided by the competent authority strictly in accordance with law.

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

(Birendra Prasad Verma, J)

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