

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15389 of 2014

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Krishna Kumar Thakur S/o Late Pashupati Thakur, resident of Village Devram, Post Amaithi, Anchal Benipur, District Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar.
 2. The District Magistrate, Darbhanga
 3. The District Development Officer, Darbhanga
 4. The S.D.O., Benipur Darbhanga
 5. The Anchal Adhikari, Benipur, District Darbhanga
 6. The S.P. Darbhanga
 7. The Dy.S.P., Benipur, District Darbhanga
 8. The Officer-in-charge, Bahera Police Station, District Darbhanga
 9. The Executive Engineer, R.E.O., Benipur, District Darbhanga
 10. The Assistant Engineer, R.E.O., Benipur, District Darbhanga
 11. The M/S Amar Nath Jha son of Bhagwat Narain Jha, Contractor, resident of Village Nawadah Benipur, P.S.Bahera, District Darbhanga
- Respondent/s
- =====

Appearance :

For the Petitioner/s : Mr. Ratan Kumar Kumar, Advocate

For the Respondent Nos.1 to 10 : Mr. Sunil Kr. Mandal, SC 3

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 24-11-2016

Heard the parties.

2. The petitioner has filed the present writ petition for grant of relief(s) enumerated in paragraph 1 of the writ petition, which reads as under:

“That this application is being filed for issuance of writ in the nature of mandamus directing and commanding the respondents to direct the respondents no. 2 to 9 without any acquired or any notice not disturb the petitioner’s khatiyani land situated in Habichowk to Shivram village to newly constructed the Road under the Prime Minister Gramin Sarak Yojna in Darbhanga District. In this aspect the petitioner filed a detailed representation before the respondent no. 2 and 3 i.e. District Collector-cum-D.M. Darbhanga which is pending and/or pass such other order/orders as your lordship may deem fit and proper”

3. The present writ petition was filed on 04.09.2014, after service of its two copies upon the learned Advocate General, Bihar, Patna for appearing on behalf of the State of Bihar and its functionaries. However, despite passage of more than two years, no counter affidavit has been filed on behalf of the aforesaid respondents.

4. In view of the nature of the grievances/claims raised on behalf of the petitioner in the present writ petition, this Court is of the opinion that no useful purpose shall be served by keeping the present matter pending asking the respondents to file their counter affidavit; rather interest of justice shall be subserved if the petitioner is granted liberty to file a fresh comprehensive representation before the District Collector, Darbhanga with all supporting documents and raising all the pleas, which have been raised in the present writ petition. It is ordered accordingly.

5. If such a fresh comprehensive representation is filed on behalf of the petitioner with all supporting documents as also with a certified copy of the present order within a period of one month from today, then the District Collector, Darbhanga, either himself or any other competent authority of the respondent State, as per his direction, shall be obliged to consider and decide the claims of the petitioner strictly in accordance with law, by a reasoned and speaking order, after giving an opportunity of hearing to the petitioner and all other concerned persons, at an early date preferably within a period of three months from the date of filing of such comprehensive representation by the petitioner, in the manner indicated above.

6. If on consideration of the materials, the competent authority comes to a conclusion that the claims raised on behalf of

the petitioner are admissible to him, then consequential orders shall also be issued for grant of such admissible claims without any unnecessary further delay.

7. It is clarified that this Court has not gone into the merits of the claims raised on behalf of the petitioner with respect to the lands in question and this is left to be decided by the competent authority strictly in accordance with law.

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

(Birendra Prasad Verma, J)

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