

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2303 of 2016

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1. Sanjay Kumar Jha, son of Late Damodar Jha, resident of Village - Mow Dhaneshpur, Post Office and Police Station - Vidyapati Nagar, District - Samastipur.
 2. Praveen Kumar Deepak, son of Late Radha Kant Mishra, resident of Village - Mow Dhaneshpur, Post Office and Police Station - Vidyapati Nagar, District - Samastipur.
 3. Naveen Kumar Mishra, son of Late Radha Kant Mishra, resident of Village - Mow Dhaneshpur, Post Office and Police Station - Vidyapati Nagar, District - Samastipur.
 4. Ram Sagar Giri, son of Late Dalan Giri, resident of Village - Mow Dhaneshpur, Post Office and Police Station - Vidyapati Nagar, District - Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Water Resources, Government of Bihar, Patna.
2. The Director, Land Acquisition, Department of Water Resources, Government of Bihar, Patna.
3. The Collector, Samastipur.
4. The Land Acquisition Officer, Samastipur.
5. The Chief Engineer, Flood Control, North Bihar, Muzaffarpur.
6. The Chief Engineer, Flood Control, North Bihar, Samastipur.
7. The Executive Engineer, Flood Control Division, Dalsinghsarai.
8. The Executive Engineer, Flood Control Division, Begusarai.
9. The Special Land Acquisition Officer, Samastipur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Roy, Adv.

For the Respondent/s : Mr. Biresh Kumar Sinha, AC to AAG-2

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 28-06-2016

Heard the parties.

In view of the nature of the grievances/claims raised on behalf of the petitioners with respect to the lands in question, fully detailed in paragraph 5 of the writ petition, this Court is of the opinion that, instead of keeping the matter pending before this Court asking the respondents to file their counter affidavit, the interest of justice shall be sub-served, if the petitioners are granted liberty to file a fresh comprehensive representation with all supporting documents before the respondent District Collector,

Samastipur and raising all the pleas, which have been raised in the present writ petition. It is ordered accordingly.

If such a fresh comprehensive representation is filed by the petitioners within a period of one month from today with a certified copy of the present order, then the respondent District Collector, Samastipur either himself or any other competent authority of the respondent State shall be obliged to consider and decide the claims raised on behalf of the petitioners strictly in accordance with law by a reasoned and speaking order, after giving an opportunity of hearing to all concerned including the petitioners and authorities of the respondents State, besides private individuals, if any, at an early date, preferably within a period of three months from the date of filing of such fresh comprehensive representation by the petitioners.

If on consideration of the materials and after hearing the parties, the competent authority of the respondent State comes to a conclusion that the claims raised on behalf of the petitioners are admissible to them, then the consequential orders shall also be issued for grant of such admissible claims without any unnecessary further delay.

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 the same 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.

Arvind/-

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(Birendra Prasad Verma, J)