

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.92 of 2011

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1. Umashankar Tiwari S/O Late Rajendra Tiwari, resident of Village-
Gularia, P.O- Dukhichhapar, P.S- Gopalpur, District- West Champaran.
2. Sundarpati Devi W/O Srinarayan Sah, resident of Village- Gularia, P.O-
Dukhichhapar, P.S- Gopalpur, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Collector, West Champaran, Bettiah.
3. The Deputy Development Commissioner, West Champaran, Bettiah.
4. The Sub- Divisional Officer, Narkatiaganj, West Champaran.
5. The Block Development Officer, Sikta Block, West Champaran.
6. The Anchaladhikari, Sikta Anchal, West Champaran.
7. The Executive Engineer, Rural Works Department, Works
Division-2, West Champaran, Bettiah.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate
For the Respondent/s : Mr. Ajay Kumar Sharma, AC to PAAG

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

4 20-05-2016

Heard the parties.

2. The present writ petition was filed way back on 03.01.2011 seeking a direction to the respondents not to construct the village-road through raiyati lands of the petitioners without initiating any appropriate proceeding under the Land Acquisition Act.

3. This matter was heard earlier twice by two different Benches of this Court, but no stay order was passed. The learned counsel appearing on behalf of the petitioners is not in a position to assert as to whether construction of the village-road has been completed or not during the interregnum period

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4. The learned State counsel has not filed counter affidavit till date despite order passed by this Court.



5. In view of the nature of the grievances/claims raised on behalf of the petitioners in the present writ petition and in view of the fact that the latest developments have not been brought on record by either side, this Court is of the opinion that, instead of keeping the matter pending before this Court, the interest of justice shall be subserved if the petitioners are granted liberty to file a fresh comprehensive representation before the respondent District Collector, West Champaran, Bettiah with all supporting documents in support of their claims and raising all the pleas, which have been raised in the present writ petition. It is ordered accordingly.

6. If such a fresh comprehensive representation is filed on behalf of the petitioners with a certified copy of the present order within a period of one month from today, then the respondent District Collector, West Champaran, Bettiah either himself or any other competent authority of the respondent State, as per his direction, shall be obliged to consider and decide the claims raised on behalf of the petitioners with respect to the lands in question by a reasoned and speaking order, after giving an opportunity of hearing to all concerned including the petitioners, besides others, if any, at an early date preferably within a period of three months from the date of filing of such representation.

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

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

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

(Birendra Prasad Verma, J)

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