

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9253 of 2007

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Rajendra Prasad Khirharee son of Late Mohan Khirhari, resident of village
Belaury, P.S.Sadar, District Purnea

.... Petitioner/s

Versus

1. The Power Grid Corporation of India through its Managing Director,
Corporate Center Improvement (Sector) Project, Eastern Region at B-9,
Kutub Instional Area, Katwaria Sarai, New Delhi
2. The Deputy General Manager, Power Grid Corporation of India, Purnea
at Power Grid Maranga Road, Purnea
3. The District Magistrate-cum-Collector, Purnea
4. The State of Biahrr

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amit Kr.Anand, Advocate

For the Respondent Nos. 3 & 4: Mr.Ajay Kumar Sharma, AC to PAAG 1

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

4 27-07-2016

Heard the parties.

The petitioner is aggrieved by order dated 08.06.2004
(Annexure-2) passed in Revenue Misc. Case No. 102 of 2001 by
the District Collector, Purnea whereby the aforesaid case filed on
behalf of the petitioner has been dismissed.

The present writ petition seems to be completely
misconceived and untenable. In the whole writ petition, the
relevant documents/notifications have not been brought on the
record. Neither notification issued under Section 4 nor declaration
made under Section 6 of The Land Acquisition Act, 1894 (in
short, "the Act") has been brought on the record. Even notice
issued to the persons interested under Section 9 of the Act has not
been brought on the record.

The learned counsel appearing on behalf of the
petitioner submits that the award was prepared way back in the
year 1998, but copy of the award has not been brought on the

record. Furthermore, in the present writ petition, a counter affidavit has been filed on behalf of the respondent no.3, wherein it has been categorically stated in paragraph 10 that the land belonging to the petitioner has not been acquired; therefore, no notice was required to be issued to the petitioner for acquisition of certain area of land for establishment of Power Grid Sub-Station at Purnea.

A copy of the aforesaid counter affidavit was served upon the learned counsel for the petitioner way back on 13.07.2009 and despite passage of more than six years, no rejoinder affidavit has been filed controverting the averments made in the aforesaid counter affidavit.

In above view of the matter, the averments made therein has to be accepted.

For the reasons recorded above, it is apparent that the writ petition is devoid of merit and is, accordingly, dismissed.

(Birendra Prasad Verma, J)

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