

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11709 of 2012

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1. Dukhi Mian @ Dukhi Ansari S/O Late Ekwali Mian, R/O Village Singhpur (Haraiya) P.S. - Raxaul Dist - East Champaran
 2. Shukhi Ram S/O Late Chuni Ram, R/O Village Singhpur (Haraiya) P.S. - Raxaul Dist - East Champaran
 3. Ramprit Kushwaha @ Ramprit Prasad S/O Late Baidyanath Kushwaha, R/O Village Singhpur (Haraiya) P.S. - Raxaul Dist - East Champaran
 4. Ramashray Prasad @ Rameshwar Mahto S/O Late Baidyanath Mahto, R/O Village Singhpur (Haraiya) P.S. - Raxaul Dist - East Champaran
 5. Ambika Prasad S/O - Late Baidyanath Mahto R/O Village Singhpur (Haraiya) P.S. - Raxaul Dist - East Champaran

.... Petitioner/s

Versus

1. The Union of India through its Secretary, Department of Ruler Development, New Delhi
2. The State of Bihar through Secretary, Road Construction, New Secretariat, Patna
3. The Land Acquisition Officer, Motihari, East Champaran
4. The Collector Motihari, East Champaran
5. The Sub Divisional Officer Raxaul East Champaran
6. The Circle Office Raxaul, East Champaran

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh
For the Respondent No.1: Mr. S.D. Sanjay, Addl. Solicitor General
Mr. Anbshay Bahadur Mathur, C.G.C.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 10-02-2016 Heard the parties.

In view of the nature of grievances raised on behalf of the petitioners in the present writ petition and in view of the fact that counter-affidavit has not been filed on behalf of the respondents till date, though the writ petition was filed way back on 06.07.2012, this Court is of the opinion that instead of keeping the matter pending before this Court, awaiting counter-affidavit on behalf of the respondents, the interest of justice shall be subserved if the petitioners are granted liberty to file a fresh comprehensive representation before the respondent District

Collector, East Champaran, Motihari with all supporting documents 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, East Champaran, Motihari either himself or any other competent authority, as per his direction, shall be obliged to consider and decide the claims of the petitioners with respect to the lands in question claimed by them, by a reasoned and speaking order, after giving an opportunity of hearing to 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 by the petitioners.

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

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

(Birendra Prasad Verma, J)

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