

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Civil Writ Jurisdiction Case No.12599 of 2014
Along with
Interlocutory Application No. 424 of 2017**

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1. Asharfi Sah Son of Late Faguni Sah
2. Chunnu Sah
3. Mahendra Sah 2 and 3 are sons of Late Chhathu Sah All are residents of Village Joriyahi Bel, P.O. Bel, P.S. Bairgania, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar, through the Chief Secretary Government of Bihar, Old Secretariat, Patna.
2. The Commissioner- cum- Secretary, Rehabilitation Department, Government of Bihar, Patna.
3. The Principal Secretary, Water Resources Department of Irrigation, Government of Bihar Old Secretariat, Patna.
4. The Commissioner, Tirhut Division, Muzaffarpur.
5. The District Magistrate/ Collector, District- Sitamarhi at Collectorate, Sitamarhi at Dumra, P.S. Dumra, District- Sitamarhi.
6. The Deputy Collector, Land Acquisition Department, Sitamarhi.
7. The Rehabilitation Officer, Bagmati Project, Sitamarhi- cum- District Land Acquisition Officer under Bagmati Project for Bagmati River, Flood Prone Area at Collectorate Sitamarhi at Dumra, P.S- Dumra, District- Sitamarhi.
8. The Circle Officer, Circle Office, Bairgania, P.S.-Bairgania, District- Sitamarhi.
9. The Block Development Officer, Block Office, Bairgani, District- Sitamarhi.

.... Respondent/s

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Appearance :

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

For the Respondent/s : Mr. Pratik Kumar Sinha, AC to GA 5

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 06-02-2017

Heard learned counsel for the petitioners and the State.

Re. : Interlocutory Application No. 424 of 2017

The present Interlocutory Application has been filed on behalf of the petitioners seeking substitution of the petitioner no. 2 by his wife, daughter and three sons as he is said to have died on



15.07.2016.

Having considered the submissions of learned counsel for the parties and averments made in the Interlocutory Application, let the name of petitioner no. 2 be substituted by his heirs mentioned in paragraph 2 of the Interlocutory Application.

Interlocutory Application No. 424 of 20144 stands disposed off.

Re. : Civil Writ Jurisdiction Case No. 12599 of 2014

The petitioners have moved the Court seeking a direction to allot separate plot of land to each of them on account of their land having been used for construction of 'Bagmati Embankment' due to which, under the Rehabilitation Scheme, the oustees had to be given alternative land.

Learned counsel for the petitioners submitted that though alternative plot was given, but the same was only in the name of one of the family members whereas the petitioners have not been given any land. It was submitted that on an application made to the authorities, an order was passed by the Rehabilitation Officer, Bagmati Project in the district of Sitamarhi, as contained in Memo No. 06 of 2011, on 20.08.2013, directing for addition of the name of the petitioners in the allotment order. It was submitted that the same has not been complied with.



Learned counsel for the State submitted that the petitioners/ their heirs be directed to appear before the concerned officer who may take appropriate steps in the matter in accordance with law.

Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the writ petition stands disposed off with liberty to the petitioners/their heirs to move before the respondent no. 7 and file appropriate representation. If the same is filed within four weeks from today along with copy of this order, the respondent no. 7 shall be obliged to take appropriate steps, including implementation of the order dated 20.08.2013, if the same is still in force, and consequential steps, as may be required. The same be done within three months thereafter.

It goes without saying that the authority will consider the representation of the petitioners after hearing the person whose name has been entered in the records namely, Mintu Sah.

(Ahsanuddin Amanullah, J)

Prakash/-

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