

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12929 of 2013

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1. Vijay Singh Son of Late Maheshwar Singh Resident of Village- Chandi, P.S.-
Hajipur Sadar, District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar Through The District Magistrate, Vaishali At Hajipur
2. The Superintendent of Police, Vaishali At Hajipur
3. The Sub Divisional Officer, Sadar, Vaishali At Hajipur
4. The Circle Officer, Hajipur (Vaishali)

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Niraj Kumar, Adv

For the Respondent/s : Mr. H.P. Singh, GA-8

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL JUDGMENT

Date: 24-04-2017

Heard learned counsel for the parties.

The present writ application has been filed for issuance of a direction to the respondent authorities to get the encroachment removed, existing over the land of the petitioner appertaining to Khata No. 237 Khesara No. 538 having area of 2 Decimals situated in Mauza Daulatpur, Chandi Village, District Vaishali.

It is submitted by learned counsel for the petitioner that there is a Mango orchard on the land in question belonging to the petitioner, but the same is being destroyed by the respondent-authorities. A counter affidavit has been filed on behalf of respondent



no. 1, District Magistrate, Vaishali, respondent no. 3 Sub-Divisional Officer, Vaishali and respondent no. 4, Circle Officer, Vaishali, to the effect that one decimal land of Khata No. 237 Khesara No. 538 situated in Mahadalit Tola Daulatpur Chandi, Police Station Hazipur Sadar, District Vaishali has been acquired vide Acquisition Case No. 67 of 2002-03, but since at the relevant time the landlord did not turn up to receive the compensation amount of Rs. 5301.80/-, which was deposited in the Hazipur treasury.

It is submitted by the learned counsel for the petitioner that the petitioner could not appear in the acquisition proceeding. The writ application does not talk about any acquisition proceeding initiated and concluded.

In the circumstances, relief, prayed for, appears to be misconceived, hence, this writ application is disposed of with a liberty to the petitioner if he is aggrieved by the order of acquisition then to challenge the acquisition in appropriate proceeding in accordance with law.

(Dinesh Kumar Singh, J)

Ranjan/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	10.05.2017
Transmission Date	N.A.

