

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.22211 of 2014

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Raj Kishore Yadav, son of late Sitab Lal Yadav, resident of village and P.O. Chirand, P.S. Doriganj, District Saran.

.... Petitioner

Versus

1. The State of Bihar
2. The District Magistrate, Saran
3. Land Acquisition Officer, Saran at Chapra
4. Chandrama Rai, son of Jag Narain Rai, resident of village Lodipur, P.S. Doriganj, District Saran.
5. Pushpa Devi, wife of Jai Ram Rai, resident of village Lodipur, Chirand, P.S. Doriganj, District Saran.

.... Respondent

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Appearance :

For the Petitioner : Mr. Ajay Kr Singh, Advocate

For the Respondents : Mr. Anshuman Singh, AC to AG

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 12-10-2017

The present writ petition has been filed for the following reliefs-

- (i) For quashing of the order passed by the Land Acquisition Officer, Saran at Chapra vide letter no. 246 dated 04.03.2014 by which the respondent has refused the application filed by the petitioner and directed to settle the title by the Court.
- (ii) For a direction to the respondents to pay the amount to the petitioner against the lands acquired bearing Khesra No. 1243, area 0.030 Hect. for which Panchat No. 15 in the name of Chandrama Rai containing to area 0.009 Hect. and Panchat No. 15(K) in the name of Pushpa Devi wife of Late Jairam Rai containing area 0.021 Hect. have been



prepared and paid to them.

(iii) For an order/direction to the respondents to consider on the merit of the case as the respondents nos. 4 and 5 have got no right in Khata No. 238, Khesra No. 1243 rather the grand father of the petitioner namely, Gati Rai had purchased in the year 1962 through Kewala and the petitioner is paying rent of the said land and since the date of purchase the land is in the possession and accordingly the petitioner was cultivating the same.

(iv) For any other relief or reliefs.

2. At the very outset, learned counsel for the petitioner submits that in a subsequent development the title of the petitioner has already been declared in the judgment dated 28.11.1952 in Partition Suit No.146/39 of 1950/52 by the learned 2nd Additional Sub Judge, Chapra.

3. Learned counsel for the respondents appears and has been heard.

4. Having regard to the nature of prayer of the petitioner, the writ petition is disposed of granting liberty to the petitioner to approach the Land Acquisition Officer, Saran at Chapra (respondent no. 3) with a fresh representation for redressal of his grievances in the light of the aforesaid judgment dated 28.11.1952. If any such representation is filed within two weeks from today, the same shall be disposed of within a further period of three months thereafter, after granting an opportunity of hearing to the petitioner, in accordance with law.



(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
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