

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.210 of 2015

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Rudra Nath Das, Son of Late Umakant Lal Das, Resident of village -
Kanakpura, Police Station - Jhanjharpur, District - Madhubani

.... Petitioner

Versus

1. The State of Bihar
2. The Collector cum District Land Acquisition Officer, Madhubani
3. The Additional Collector, Madhubani
4. The Land Acquisition Officer, Madhubani
5. The Special Settlement Officer, Koshi Yojana, Sakri, Madhubani
6. The Assistant Settlement Officer, Jhanjharpur, Madhubani

.... Respondents

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Appearance :

For the Petitioner : Mr. Ashok Kumar Karna, Advocate

For the Respondents : Mr. Ujjwal Kr. Sinha, AC to AAG 11

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 02-11-2017

The present writ petition has substantially been filed for payment of compensation in respect of the petitioner's raiyati land bearing old Khata no. 102, Khesra No. 214 (old Khesra No. 102), Thana No. 302 admeasuring an area of 55 decimals in Mauza Kanakpura, District Madhubani along with other plots which have been acquired and utilized by the State Government for construction of the canal from Kanakpura to Bisual.

2. A supplementary affidavit has been filed by the petitioner enclosing a copy of the *Khatian* in the name of Late Achambhit Lal Das, grand-father of the petitioner and which has subsequently been created in favour of Uma Kant Lal Das, father of the petitioner in terms of Section 106 of the Bihar Tenancy Act.

3. A counter affidavit has been filed thereafter on behalf of the respondent nos. 2 and 5 in which it is sated that the land in



question belongs to the State of Bihar. On perusal of the *Khatian* made in the year 2011, it appears that the land was found to be *Anabad* land in the name of the State of Bihar.

4. Having regard to the rival stand of the parties, it appears that even though the counter affidavit has been filed subsequently to filing of the supplementary affidavit, the claim of the petitioner in terms of the amended *Khatian* has not been dealt in the counter affidavit.

5. In the above view of the matter, this Court considers it expedient to direct the Collector-cum-District Land Acquisition Officer, Madhubani (respondent no. 2) to consider and dispose of the petitioner’s representation dated 10.03.2011 (Annexure-3), if still pending, in accordance with law and after grant of opportunity of hearing to the petitioner expeditiously and preferably within a period of three months from the date of receipt/production of a copy of this judgment.

6. The writ petition stands disposed of.

B.T/Chandran

(Vikash Jain, J)

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

